

Second Lieut. Willis Doyle Kimmel, Officers' Reserve Corps.
 Second Lieut. Blackstone Drummond Ayres, Officers' Reserve Corps.
 Second Lieut. Robert Augustus Chambers, Officers' Reserve Corps.
 Second Lieut. Alan Fuller Cameron, Officers' Reserve Corps.
 Second Lieut. Howard Milton Cool, Officers' Reserve Corps.
 Second Lieut. Charles Harold Cuppett, Officers' Reserve Corps.
 Second Lieut. Walter Lee McCormick, Officers' Reserve Corps.
 Second Lieut. Norton Swasey Crocker, Officers' Reserve Corps.
 Second Lieut. Robert Martin Chase, Officers' Reserve Corps.
 Second Lieut. Lyman Clement Rafferty, Officers' Reserve Corps.
 Second Lieut. Arnold Dante Amoroso, Officers' Reserve Corps.
 Second Lieut. Harold Francis O'Donnell, Officers' Reserve Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1918.

GOVERNOR OF ALASKA.

Thomas Riggs, jr., of Alaska, to be governor of Alaska, vice John F. A. Strong, term expired and resigned.

UNITED STATES DISTRICT JUDGE.

John Clark Knox to be United States district judge, southern district of New York.

REGISTER OF LAND OFFICE.

Joseph Winczewski to be register of the land office at Duluth, Minn.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 12, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God, in whom we put our trust, in obedience to a natural impulse, a strong and fervent desire, and in imitation of the world's great Exemplar, who never entered upon a duty, great or small, without seeking Thee, we come praying for the outpouring of Thy spirit, that we may resist evil and be strong to pursue the right as it is given us to see the right. Hear us when we pray out of the fervency of the soul, for our soldiers and their associates, the allied forces, who are engaged in the world's greatest conflict, that they may stand firm and beat back the forces who are intent in their object to destroy all the civilization of the past. Especially do we pray for the wounded, that they may be cared for in the awful suffering through which they are passing, by warm and sympathetic hearts, deft fingers to bind up the wounds, and all the skill that has been revealed through the ages. Comfort, we beseech Thee, the sorrowing whose loved ones are suffering the fortunes of war, and we will praise Thee, through Him who taught us the glory of self-sacrifice. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, under the rules this is pension day. The chairman of the committee, Gen. SHERWOOD, does not want to interfere with the pending bill. Therefore, at his suggestion, I ask unanimous consent that the pension bill—there is only one—in order on the calendar to-day be taken up at 5.30 o'clock this evening, unless the pending bill is completed before that time, in which case that it be taken up on completion of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the pension bill be in order when the pending bill is finished, provided the pending bill is finished by 5.30 o'clock p. m., and if it is not finished by that time that it be taken up in any event.

Mr. GARNER. Mr. Speaker, I do not think that request should be granted in that form.

Mr. RUSSELL. I thought the House would want to adjourn at 5.30 o'clock anyway, and in that way it would not interfere with anything else. If the gentleman in charge of the bill prefers it, I shall ask to change the request to have the pension bill taken up at the completion of this bill, whenever that may happen.

The SPEAKER. The gentleman modifies his request to have the pension bill considered whenever this pending bill is completed. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, do I understand that the request applies to to-day only?

Mr. RUSSELL. No; it applies to any time.

Mr. GARNER. I understood the gentleman from North Carolina [Mr. KITCHIN] to say that he hoped that the river and harbor appropriation bill might be finished to-morrow. I do not want to object to the pension bill being taken up, but it can be taken up at the end of the day and concluded in less than 20 minutes' time. I suggest to the gentleman that he ask that it be taken up to-day after this bill is finished.

Mr. RUSSELL. I have no objection to that.

Mr. GILLETT. Mr. Speaker, reserving the right to object, if we agree to take up this bill it might just as well be taken up now as at the end of the day.

Mr. GARNER. Let us proceed with the pending bill.

Mr. ASHBROOK. There is only one pension bill on the calendar.

Mr. GILLETT. I do not think we ought to agree to take it up at the end of the day.

Mr. RUSSELL. We are willing to take it up whenever this bill is completed, but some seem to object to that.

Mr. GILLETT. It seems to me that is a most reasonable request. Why not agree that it shall be taken up after this bill is finished?

Mr. GARNER. Immediately after this bill is finished.

Mr. GILLETT. Whenever the bill is finished, it shall be in order, not taken up. Then it may be taken up to-morrow. What is the objection to its being taken up to-morrow?

Mr. KITCHIN. I suggest to the gentleman that as soon as we get through with the pending bill we can finish the pension bill in 20 minutes.

Mr. STAFFORD. Mr. Speaker, would it not be better to defer the request until we know more about how much time it will take to finish this bill?

Mr. KITCHIN. I suggest that to the gentleman from Missouri.

Mr. RUSSELL. Very well, Mr. Speaker, I withdraw the request for the present.

The SPEAKER. The gentleman from Missouri withdraws the request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CARTER of Massachusetts for one week, on account of illness.

Mr. MILLER of Minnesota. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. VOLSTEAD, on account of serious illness in his family.

The SPEAKER. The gentleman from Minnesota asks indefinite leave of absence for his colleague, Mr. VOLSTEAD, on account of illness in his family. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9901. An act to give indemnity for damages caused by American forces abroad; and

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

EXTENSION OF REMARKS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by the Hawaiian Delegate [Mr. KALANIANA'OLE] on war-time prohibition in the Hawaiian Islands.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for two minutes on a matter connected with the third liberty loan.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. WALSH. Mr. Speaker, we are now about to enter upon the further discussion of one of the most important bills in connection with the present emergency. It seems to me there should be a larger attendance here to hear the argument, and I make the point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to print in the RECORD 19 references of Dr. Dublin, the famous lecturer,

on the alarming decline of the birth rate. It is only about a fourth of a column of the Record, and I would like to get it in.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks by printing certain data about the decline of the birth rate. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Speaker, I desire to withdraw the point I made on the suggestion of the chairman of the Committee on Military Affairs.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS (S. J. RES. 123).

Mr. SHALLENBERGER. Mr. Speaker, I yield 12 minutes to the gentleman from South Carolina [Mr. NICHOLLS].

Mr. NICHOLLS of South Carolina. Mr. Speaker and gentlemen of the House, it is needless for me to say since I have taken the positions which I have taken on the floor of the House, that I am first, last, and all the time behind this administration for the successful prosecution of this war. It hurts me when bills come before the Military Affairs Committee, of which I have the honor to be a member, which I must conscientiously oppose. When I say oppose, I do not mean to disagree with them in toto. That is not the question, but I do believe that men who are serving here have but one end in view, and that is the welfare of the country which we all love so well, and when I say that I mean the men on both sides of this House, because I want to say the Republicans have been as loyal to this administration in this war as the Democrats have been. [Applause.] We are all here seeking to win this war, and to win it as quickly as possible, but I want to recall briefly a little of the history of the events which have been enacted since you and I have been in Congress. The War Department is not infallible. Even our great President is not infallible; the Committee on Military Affairs of this House is not infallible; nor is the House infallible, but when the mistakes are being made it is the duty of every man representing the people of this country to try to remedy those mistakes. When the Hay bill came up in 1916 some of us were criticized for insisting upon the National Guard being considered as the nucleus of the new Army. The War College, the General Staff, the men that the President depends upon to give him information, because he has not the time to give his own personal attention to every matter that comes up, opposed the Committee on Military Affairs on that proposition, and when war was declared where would our country have been had there been no National Guard to form a nucleus of the Army? They were wrong. They now admit they were wrong. When the draft bill came before the House members of my committee, including myself, thought that the proper way to raise this Army was by the volunteer system. We fought it out on the floor of the House, and after losing the volunteer proposition we voted for the draft method, because it was the only way left to raise the Army, which was absolutely needed. At that time a majority of the committee opposed the draft bill; the War College and the General Staff said the bill was absolutely correct, and the papers said that some of the men who opposed it were guilty of treason to their country.

Now, what is the situation to-day? They have introduced this bill in which they virtually say: "We admit you were right and we were wrong. The former bill is absolutely incorrect, and we propose to introduce a bill now which virtually nullifies everything in the first bill, which we then said was right." Now, my friends, that is the situation. I merely cite these instances to show you they were wrong then, and if wrong then they are liable to be wrong now; and I rise to give you our reasons for signing the minority report and supporting the amendment which the gentleman from Nebraska [Mr. SHALLENBERGER] will introduce.

Now, what is the difference in the two bills? Let me say there is one county in my district, Union County, which did not have to furnish a single man under the first draft, because they had more men who volunteered to fight for it than the draft called for. At that time they said to Union County, "We will give you credit for the men you furnished." Now, the Federal Government goes back to Union County, S. C., and says, "We did not promise you that."

Mr. KEARNS. Will the gentleman yield?

Mr. NICHOLLS of South Carolina. I will yield to the gentleman.

Mr. KEARNS. Does the gentleman say that Union County is the only county in the United States furnishing a full quota of volunteers?

Mr. NICHOLLS of South Carolina. In the first draft.

Mr. KEARNS. The only one in the United States?

Mr. NICHOLLS of South Carolina. That is my information.

Mr. JOHNSON of Kentucky. I have one in my district.

Mr. JOHNSON of Washington. The same thing is true of Oregon.

Mr. NICHOLLS of South Carolina. I congratulate you gentlemen, but that is not my information.

Mr. RUSSELL. And Howard County, Mo.

Mr. MADDEX. And the whole State of Illinois besides.

Mr. NICHOLLS of South Carolina. I wish I could believe all of your statements, but that is not what the record shows.

Mr. JOHNSON of Kentucky. Does the gentleman require proof because his information was correct?

Mr. NICHOLLS of South Carolina. No; I do not need any proof. I get mine from the Judge Advocate General's office.

Mr. STAFFORD. Wisconsin has been many times maligned, and it has five counties—

Mr. NICHOLLS of South Carolina. I can not oppose Wisconsin, because I married there.

Mr. STAFFORD. I am glad to hear it.

Mr. NICHOLLS of South Carolina. To go on: There is no doubt whatever of there having been made an agreement between the people of the United States and their legislative bodies that the patriotic volunteers should be treated at least as well as the draft men. But we will not keep that promise. The patriotic counties reasonably thought that there would be a premium on patriotism. This bill does not give them even the advantages which those communities have whose men had to be forced into the service of their country. There is no doubt that there was an implied, if not an expressed, agreement that the patriotic communities would be given at least as much credit for the volunteers as for the men taken under the draft act. Are you going to violate that agreement? I do not believe you will. Let me give you another proposition.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. NICHOLLS of South Carolina. I have but 12 minutes. I would like to, but I want to get through with my speech.

Now, gentlemen, here is what this bill proposes to do: Under the old law each State was required to furnish its quota according to population. I am frank to tell you that I do not think in the States where they have a large alien population they should be required to furnish in proportion to the population. So far as that is concerned, I agree with this bill, because a man who is not entitled to fight, who does not want to fight, a man who can not be made to fight, should not be counted as material from which to make up the Army.

I do say this to you, however, that if the bill carried out that proposition, and that alone, I would not be opposing it. But here is what this present bill does: It says to the War Department, to the General Staff, not to the President, "You can go to Iowa, the State of my friend HULL over there, and you can draw 5,000 men from Iowa, and you can go to Connecticut," without meaning any reflection on her loyalty, "and not take a single man."

Now, the proposition I stand for is this: If it is an honor to fight for this country—and it is—then that honor should be equally distributed among the States of this Union. If it is a duty to fight for this country, that duty should be equally distributed among the States of this Union. If it is a burden to fight for this country, that burden should be equally distributed among the States of this Union. I ask no favors. You can look up the record of my State and you will find that it is furnishing every man called for without question. I am perfectly willing for them to have the honor of fighting for this country, but I am perfectly willing also for the other States to share in that honor.

That is the position of the minority of this committee. It is not our desire to do anything to retard the prosecution of this war; on the contrary, it is our desire to do everything to back up this administration and to win this war. But when we take from those States who did not furnish their quota the honor of doing their share to win the war we are doing them a great injustice. As I stated before, those are the points that caused me to sign this minority report. I do not believe—and this is only my private opinion—that the President of the United States has time personally to prepare or to digest the details of every bill that is presented by the War Department, but that some of them are prepared by the War College and the General Staff. These officers may know more of the conditions of our country than the Members of this Congress, but the Constitution and the laws do not so regard it. Gentlemen, this Congress is a coordinate branch of the Government and it has its constitutional duties to perform. It is the duty of the General Staff to organize and perfect the Army provided for it by Congress and to control its operation. It is the duty of Congress—your duty and mine—to provide the men who are to be welded into this Army and the means to equip and support it. We have our clear duties to the country to perform. It is for us to provide the men and the means to win this war in the best way that we can do so. We should get from the War College and the General Staff all

the information which we need and they possess for the working out of the best plans for raising the men and the money to win the war. This is your duty and mine and we can not delegate it to the War College or to the War Department. To do so might relieve us from some labor and some responsibility, but it would be a clear neglect of our duties as legislators for our country imposed upon us by the Constitution and our oaths of office. We might escape some labors and some responsibility, but in doing so we ourselves would be slackers.

I do not propose, however, to give a few officers in Washington the right to take charge of all the civic population of the United States and decide whom they will call into action regardless of their rights or of the justice to the several localities which are to furnish the men to do the fighting.

I will not vote for a bill giving to them that power. I am not affected by what anybody else thinks. I am giving you my own views. I will tell you what they want to do. In this bill they fix it so that every man who is drawn into the service of his country—with a sister bill that will be introduced with it—shall be placed in class 1. What will be the result of that? You and I refuse to vote to make the 19-year-old boys of this country who could not vote do our fighting. There are still some people in the War Department who continue to want the kids to do the fighting for the men. They hope then, and they hope now, to fill these classes with the 21-year-old boys and let you and me and other men who are talking war, preaching war, declaring war, get out and sit back and say let the boys do the fighting. These boys can not vote, because you are taking them over there; but they must fight, because their fathers and their brothers and their uncles said to them, "You boys do the fighting and we will do the talking." That is the situation in a nutshell.

Gentlemen, I have talked to you longer than I intended to; but, as I stated at first, I do not like to take a position which is seemingly against the views of the War Department without giving my clear reasons for my position.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask a few minutes more.

Mr. SHALLENBERGER. Mr. Speaker, I yield one more minute to the gentleman.

Mr. NICHOLLS of South Carolina. I hate to take a position seemingly against the administration; but we are as much a part of this administration as the War College or the President. We have our duties to perform as they have theirs. We are as loyal to the Government and to the welfare of the country as they are, and I concede it to be the duty of every Member of this House to weigh these questions fearlessly, clearly, and conscientiously, and to advocate what he believes to be for the welfare of the country we love so well. Then, when we have gotten together on the best plans for making safe American freedom, American democracy, and the democracy of the world, let us push those plans to perfection with all the vigor and energy we possess.

Mr. SHALLENBERGER. How much time have I left, and how much time has the gentleman from Kentucky?

The SPEAKER. The gentleman from Nebraska has 28 minutes and the gentleman from Kentucky [Mr. FIELDS] 31 minutes.

Mr. SHALLENBERGER. I will ask the gentleman from Kentucky to use some time now.

Mr. FIELDS. I will say to the gentleman that we shall have only one more speech.

The SPEAKER. If nobody wants to make a speech, the Chair will put the question.

Mr. SHALLENBERGER. I yield 15 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, this is a bill to change the method of apportioning the draft quotas. Before it is passed we have a right to inquire as to how the present law was administered. The selective-draft act provides that the draft quotas shall be apportioned according to "the population." Congress undoubtedly intended that the population as determined by the census of 1910 should be the basis. But the law did not clearly state the intent of Congress, and that vagueness enabled the Provost Marshal General to interpret the act to mean that estimates of population could be used instead of the actual enumeration made in 1910. It is these estimates of population that have been the cause of all the complaint which we have heard the country over. In view of what happened in that case we can not now afford to assume the risk involved in the adoption of legislation, at the request of that bureau chief, affecting the same important subject.

I propose to demonstrate to the House that in the apportionment among the several States of the quotas for the first draft the Provost Marshal General took advantage of the lack of direct

instructions from Congress, and by construing and interpreting the law in a manner that was never intended, did such a grave injustice to many States and communities that, on his own confession, he is now compelled to ask for remedial legislation.

The facts are that the Provost Marshal General, without authority of law, arbitrarily apportioned the State quotas for the first draft of 687,000 men by a method that was most unfair to the people of my own and a number of other States. I promptly protested against this illegal apportionment, but without avail. I pointed out that section 2 of the draft act of May 18, 1917, provides that "the population" shall be the basis for determining the State quotas, and submitted an argument which, to my mind, was conclusive that the population could be determined in no other way than by actually enumerating the whole number of persons in each State.

The only method provided for ascertaining the total number of inhabitants is by taking a census, and I therefore insisted that the census figures for 1910 must be used to fix the draft quotas.

Instead of abiding by the last census, the Provost Marshal General directed the Bureau of the Census to prepare an estimate of the population. The Census Office did this by first estimating that the total population of the United States had increased in the same ratio from 1910 to 1917 as had actually occurred from 1900 to 1910. The adoption of this hypothesis enabled the estimators to guess that the total population of the continental United States was 103,635,300. It was known that 9,650,382 men between the ages of 21 and 31 had registered. The proportion which the registrants represented to the estimated population was 9.32 per cent. The number of registrants in each State was then divided by 9.32 and multiplied by 100, which gave the estimated population of the State.

I need not stop to argue that the assumption as to the total population was a mere approximation, which no one can say is anywhere near right, and which is certainly in error when this estimate is divided among the States. To multiply this error by assuming that each registered man represented about 10 other inhabitants in the State where he happened to be but made the injustice more acute. Yet the Provost Marshal General insisted that this obviously unfair scheme be followed. Instead of gaining anything by wandering off after these false estimates he has led himself into such a morass of difficulty that he now appeals to Congress for a new law that will bring him back to solid ground.

The Provost Marshal General now denies all responsibility for the use of these estimates of population. He would have the country believe that the Census Bureau is entirely to blame, but I have conclusive proof that such is not the fact. I hold in my hand a copy of a memorandum that I obtained from the Census Office last August. The original of this memorandum was forwarded to the Provost Marshal General in May, 1917, shortly after the passage of the selective-draft act. In it he is warned that the law required him to apportion the draft quotas according to the census of 1910, and the evil effects of attempting to use estimates of population are clearly forecasted. Let me read from this document, which was prepared, after careful consideration, by the officials of the Census Bureau for the information and guidance of the Provost Marshal General:

Memorandum re basis to be employed in apportioning State quotas of draft.

Section 2 of the act of May 18, 1917, provides that—
"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision either as members of the Regular Army or the National Guard."

As this provision is interpreted by the Census Bureau, it requires that the quotas shall be based on the population as ascertained at the last Federal census, namely, that taken in 1910. If it had been the intention to have the apportionment based on estimates of the present population, it is reasonable to presume that the act would have so stated. This view is strengthened by the following citation from the second paragraph of section 4:

"The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce."

Since in this instance estimates were specifically mentioned by the act, it is logical to assume that they would have been specifically mentioned in the provision for the apportionment of the draft if Congress had intended that the State quotas should be based on estimates of population.

Furthermore, the Bureau of Census is opposed to the use of estimates of population as a basis for the apportionment of the draft, for the reason that, as only 10 States have taken censuses of their population since 1910, estimates for the greater part of the country would neces-

sarily be based either (a) on the census of 1910 and the growth during the period between 1900 and 1910, or (b) on the registration. Either basis is far from satisfactory. It is a well-known fact, substantiated by the registration returns themselves, that the increase in population of certain States since 1910 has not been nearly so rapid as the increase between 1900 and 1910. In fact, for certain States the returns indicate a decided decrease since 1910, although the decrease in total population probably has not been relatively so great as the decrease in the number of males 21 to 30 years of age, inclusive.

(Estimates based on the registration returns would also be far from accurate, for the reason that, because of the abnormal shifting of population which have taken place among certain parts of the country during recent years, and particularly since the outbreak of the war, gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which the males 21 to 30 years of age, inclusive, represent of the total populations of the various States are far from being the same as in 1910.) Some idea of the margin of error may be gained from the facts that the proportion of males 21 to 30 years of age, inclusive, in the total population of cities having 30,000 inhabitants or more in 1910 varied from 7.1 per cent in Newton, Mass., to 18.4 per cent in Flint, Mich.; and that for those portions of the several States which lay outside such cities the corresponding proportions varied from 7.8 per cent in Tennessee and Virginia to 19.2 per cent in Wyoming. If the proportion for each State, county, and city were assumed to be the same as in 1910, estimates of total population, based on the registration, would therefore be wide of the mark in many cases.

It is obvious, therefore, that an apportionment of the draft made directly from the registration itself would be much more equitable than one made from estimates of total population based either on the registration or on the census of 1910 and the growth between 1900 and 1910.

To recapitulate: The Census Bureau maintains that, under the law, the apportionment of the draft must be made on the basis of the total population as ascertained at the Federal census of 1910. It holds, however, that if the necessary change in the law could be secured it would be far more equitable to apportion the draft on the basis of the registration itself.

The last suggestion made by the Census Bureau to the effect that if the law could be changed it would be best to base the

apportionment of the draft on the registration itself embodies the substance of the amendment to be offered by the gentleman from Nebraska [Mr. SHALLENBERGER].

When the officials of the Census Bureau presented this memorandum, what did the Provost Marshal General do? One would have expected him to follow the advice of the highest authority in the Government on such a vital matter, but he did nothing of the kind. In response to the positive stand taken by the Census Office, Gen. Crowder, in effect, replied that he would interpret the law as he saw fit. He boldly assumed all responsibility for the method of determining the draft quotas upon estimates of population. The officials of the Census Bureau, actuated by the most patriotic motives, yielded their better judgment and obeyed his orders. From that time on they merely acted in a ministerial capacity and supplied his office with estimates and data for the purpose of apportioning the draft.

During the conferences between the Provost Marshal General and the officials of the Census Bureau a table was prepared at his request which showed the gross quota for each State based, first, upon the decennial census of 1910; second, upon official estimates of population of July 1, 1917; and third, estimates of population based upon the draft registration. The Census Bureau submitted three methods of apportioning the quotas, stating that, in its opinion, the first, based upon an actual enumeration, was in accordance with the selective-draft act and was the only one that could be lawfully used. It is beyond dispute that Gen. Crowder ordered the apportionment of the draft to be upon the third method and that he alone is responsible for its use. For the information of the House I shall print a copy of this table as a part of my remarks:

Statement showing the population of the United States by States, including Alaska, Hawaii, and Porto Rico, and the proportion that each State and Territory is of the total population, together with the gross quota each State and Territory would furnish on a draft of 1,152,985 men, in pursuance of the selective-draft act, according to (a) decennial census of 1910, (b) official estimates of population July 1, 1917, and (c) estimates of population July 1, 1917, based on registration.

Area.	Decennial census, 1910.			Official estimates of population July 1, 1917.			Estimates of population July 1, 1917, based on registration.		
	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.
United States.....	93,346,543	1.000000	1,152,985	105,151,673	1.000000	1,152,985	105,363,053	1.000000	1,152,985
Alabama.....	2,138,093	.022905	26,403	2,363,983	.022181	25,920	1,945,533	.018474	21,390
Arizona.....	204,351	.002183	2,521	263,783	.002500	2,893	400,203	.003884	4,473
Arkansas.....	1,574,443	.016887	19,447	1,781,343	.016793	19,353	1,591,835	.015133	17,452
California.....	2,377,540	.025170	29,367	3,021,032	.028806	33,213	3,185,993	.030275	34,937
Colorado.....	799,021	.008539	9,870	983,320	.009300	10,837	895,331	.008497	9,797
Connecticut.....	1,114,755	.011942	13,769	1,265,373	.012334	13,875	1,719,623	.016320	18,817
Delaware.....	202,322	.002167	2,498	215,160	.002045	2,359	231,710	.002228	2,589
District of Columbia.....	331,063	.003547	4,090	369,282	.003512	4,049	345,855	.003232	3,791
Florida.....	752,619	.008033	9,295	916,185	.008713	10,046	925,641	.008785	10,123
Georgia.....	2,693,121	.027951	32,227	2,895,841	.027540	31,753	2,483,544	.023590	27,200
Idaho.....	325,591	.003488	4,022	445,176	.004231	4,882	411,681	.004192	4,833
Illinois.....	5,638,591	.059405	69,645	6,231,995	.059235	68,363	7,227,952	.068590	79,091
Indiana.....	2,703,873	.028334	33,360	2,835,492	.026958	31,091	2,738,893	.025904	29,971
Iowa.....	2,221,771	.023833	27,479	2,219,604	.021100	24,338	2,327,079	.022385	25,435
Kansas.....	1,643,949	.018115	20,885	1,851,870	.017311	20,305	1,621,223	.015431	17,795
Kentucky.....	2,233,905	.024331	28,284	2,334,003	.022785	25,251	2,024,353	.019213	22,152
Louisiana.....	1,658,358	.017744	20,459	1,855,954	.017350	20,332	1,638,832	.016020	18,481
Maine.....	742,371	.007953	9,170	777,340	.007303	8,524	645,588	.006137	7,073
Maryland.....	1,235,343	.013377	16,000	1,373,673	.013034	15,033	1,232,091	.012233	14,133
Massachusetts.....	3,333,415	.035334	41,581	3,775,973	.035910	41,404	3,931,561	.037389	43,103
Michigan.....	2,819,173	.030105	34,711	3,034,233	.028427	33,021	4,015,053	.038103	43,933
Minnesota.....	2,075,703	.022237	25,630	2,312,445	.021991	25,355	2,377,933	.022553	25,021
Mississippi.....	1,797,114	.019252	22,197	1,975,570	.018797	21,673	1,591,345	.014240	16,429
Missouri.....	3,233,335	.034231	40,678	3,422,595	.032315	37,601	3,210,679	.030753	35,431
Montana.....	375,053	.004023	4,644	472,935	.004493	5,181	952,478	.009040	10,423
Nebraska.....	1,193,214	.012772	14,726	1,281,125	.012121	14,080	1,270,301	.012051	13,900
Nevada.....	81,875	.003877	1,011	110,733	.001353	1,211	131,232	.001245	1,435
New Hampshire.....	431,572	.004613	5,319	441,429	.004227	4,874	433,881	.004333	4,410
New Jersey.....	2,537,187	.027180	31,333	3,011,191	.028355	33,051	3,255,407	.030311	35,621
New Mexico.....	327,391	.003533	4,012	423,610	.004022	4,615	352,392	.003314	3,851
New York.....	9,113,614	.097332	112,533	10,461,182	.099477	114,633	11,187,793	.010183	122,421
North Carolina.....	2,203,287	.023335	27,251	2,431,381	.023151	25,693	2,145,283	.020370	23,483
North Dakota.....	577,053	.006132	7,123	765,319	.007278	8,391	703,992	.006710	7,737
Ohio.....	4,767,121	.051039	55,882	5,212,085	.049537	57,150	6,074,771	.057651	66,471
Oklahoma.....	1,657,155	.017753	20,469	2,283,855	.021777	25,100	1,822,470	.017297	19,911
Oregon.....	672,765	.007207	8,310	881,992	.008198	9,452	675,092	.006407	7,337
Pennsylvania.....	7,695,111	.082114	94,673	8,630,042	.082358	94,553	8,994,082	.085237	98,277
Rhode Island.....	512,610	.005433	6,702	625,865	.005932	6,833	573,583	.005411	6,277
South Carolina.....	1,515,400	.016234	18,713	1,613,205	.015327	18,018	1,384,203	.013137	15,147
South Dakota.....	533,833	.005735	7,212	715,972	.006818	7,881	621,352	.005915	6,851
Tennessee.....	2,181,783	.023405	26,983	2,304,629	.021917	25,270	2,021,893	.019218	22,151
Texas.....	3,893,512	.041743	48,120	4,515,423	.042312	49,511	4,337,037	.041732	48,115
Utah.....	373,351	.004000	4,612	443,893	.004221	4,807	451,932	.004293	4,945
Vermont.....	355,951	.003813	4,393	394,943	.003711	4,002	233,423	.002243	2,343
Virginia.....	2,051,612	.021835	25,465	2,213,025	.021013	24,253	1,951,521	.018521	21,351
Washington.....	1,141,990	.012234	14,103	1,597,400	.015191	17,515	1,165,855	.011074	12,763
West Virginia.....	1,221,119	.013031	15,032	1,412,602	.013434	15,480	1,355,937	.012878	14,843
Wisconsin.....	2,333,890	.025002	28,827	2,527,187	.024033	27,710	2,575,931	.024457	28,199
Wyoming.....	145,953	.001534	1,803	184,970	.001759	2,028	245,223	.002327	2,683
Alaska.....	64,358	.000689	794	64,912	.000317	711	64,912	.000313	710
Hawaii.....	191,909	.002053	2,371	219,580	.002088	2,407	219,580	.002084	2,407
Porto Rico.....	1,118,012	.011977	13,809	1,231,880	.011715	13,507	1,231,880	.011691	13,489

The estimates of population issued by the Bureau of the Census as of July 1, 1917, contains a preface which clearly shows that the mathematical calculations made at the request of the Provost Marshal General were not deemed to be of any value except as a basis for apportioning the draft quotas, and that these figures were not represented to be an accurate enumeration of the population. The preface says:

These estimates have been made by the Bureau of the Census, at the request of the Provost Marshal General of the War Department, solely for use as a basis for the apportionment of the forthcoming draft. The method employed may be described briefly as follows:

The total registration as shown by the preliminary telegraphic returns, 9,659,382, was divided by the total population of continental United States exclusive of Alaska, as heretofore estimated by the Census Bureau, 103,635,300, in order to obtain the proportion which the registrants represented of the total population. The resulting figure, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof. Since the State totals as shown by the corrected returns received by mail, varied more or less from those given in the preliminary telegraphic returns, both the total registration for the United States and the total population estimated herein differ slightly from the figures above given.

The assumption that the proportion which the registrants in any county or city represent of its total population is the same throughout the United States may not be true, but the only way to ascertain the true proportion for each geographical unit would be to make an actual enumeration of its population. The proportion in 1910 varied considerably in different parts of the country, being greater, as a rule, in the newer than in the older sections, and greater in cities than in rural localities. Because of the abnormal shiftings of population which have taken place among certain parts of the country in recent years, and particularly since the outbreak of the war gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which men 21 to 30 years of age, inclusive, represent of the total population of many localities have changed greatly since 1910. For this reason the assumption that the proportions existing in 1910 still prevail would result in very inaccurate estimates for some localities.

Since therefore, it was impossible in any event to estimate precisely the population of cities, counties, and States on the basis of the registration, the simplest and speediest method—that based on the assumption that the proportion which the registrants represent of the total population is the same throughout the country—was adopted. One reason for the employment of this method was that the Census Bureau had only a very short time in which to prepare the estimates; but another and still more cogent reason was that in this manner there was obtained the fairest possible basis for the apportionment of the draft, since the localities whose population estimates may be exaggerated are those in which there is an excess of men 21 to 30 years of age, inclusive, while the ones whose population is understated are those in which the proportion of men of these ages is smaller than the average.

The estimates for Alaska, Hawaii, and Porto Rico, in which the registration has not yet taken place, were made in the same manner in which the official estimates of population have been made by the Census Bureau heretofore, namely, on the assumption that the annual numerical increase in each geographical unit since 1910 has been the same as the average numerical increase between 1900 and 1910.

When the draft quotas based upon these estimates were announced a storm of protest immediately arose in a number of the States. The Provost Marshal General himself describes what happened in these words:

Now, this disproportionate taking of citizens engaged our attention during the first draft, and of Members of Congress who represented districts that had in them congested centers of foreign population. They saw how unequally the rule was operating in respect to their localities.

Later in the hearings he said:

Do not get the idea that this matter was not often talked about, because there were protests against the estimates from more than a dozen States, and the matter was the subject of a great deal of correspondence and some editorial comment.

With the advent of this criticism did this valiant lawyer warrior, who was so prompt to assume all responsibility, bravely meet the issue and defend what he had done? Sad to relate, the record shows that, like a true bureaucrat, he immediately "passed the buck." The first evidence of evasion that I have in writing is contained in a letter addressed to me on September 5, 1917, from the War Department, in which this language occurs. This letter was prepared in the Judge Advocate General's office, with Gen. Crowder's approval, and is in reply to a letter of mine protesting against the use of estimates in apportioning the draft quotas. This letter states:

The estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do.

That statement is not true. I have shown you that the Census Bureau submitted a memorandum to the Provost Marshal General advising against the use of these very estimates, and yet this letter sets forth that the War Department had nothing whatever to do with their adoption.

In the hearing before the Committee on Military Affairs this question was asked by the gentleman from Nebraska [Mr. SHALLENBERGER] at my request. I read from page 28 of the hearings of February 4, 1918:

Mr. SHALLENBERGER. I have been asked this question. I am told that certain States, particularly Arizona, claim that your allotment against those States is much in excess of what it should be. * * * The

census figures have enormously increased the population of the State; that certain Western States have large populations of single men; that you have estimated the population too large, and therefore you have asked for an unfair number of men from those States. * * *

Gen. CROWDER. Your statement is correct, except that I do not think I am responsible.

Mr. SHALLENBERGER. I mean the Census Bureau.

Gen. CROWDER. The census people did project over the 1910 census to 1917, under rules of their own formulation, and they did produce the result that you speak of, and as a necessary consequence the quotas of certain centers have been too large. That has been the result very largely of an effort upon the part of the Census Bureau to establish a percentage relation between total population and total registration.

Thus, early in the hearings, the Provost Marshal General deliberately sought to shield himself from criticism by laying the blame upon somebody else. A little later the gentleman from Nebraska asked him these very interesting questions:

Mr. SHALLENBERGER. This is a question which has puzzled a great many men. Why was it you did not base your draft upon the rule of citizenship instead of upon the rule of population? Was it not practicable to do it?

Gen. CROWDER. Because the law commanded me to distribute it according to total population.

Mr. SHALLENBERGER. The War Department drafted the law. Why did it ask us to pass a law that placed the liability not upon the citizens but upon the total population?

Gen. CROWDER. I do not know that I can explain that omission. The department followed the statute of 1862, which was based upon total population.

Mr. SHALLENBERGER. But these inequalities did not exist then.

Gen. CROWDER. It did not occur to us that there was a more convenient rule.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SHALLENBERGER. The gentleman knows that the Census Bureau stated that they considered the proposition that I am now making was the fairest one and put it up to the Provost Marshal himself.

Mr. HAYDEN. Yes; the Census Bureau told him last May that under the law the census of 1910 should be used, but they then suggested the proposition of the gentleman from Nebraska, which is that the law be changed to apportion the draft according to the registration itself.

Fr. FIELDS. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. FIELDS. It is not contended that the gentleman from Nebraska's proposition would not be fair, but the original proposition was the total population, and the committee did not think that his proposition was better than any other proposition.

Mr. HAYDEN. I do not agree with the gentleman from Kentucky at all.

Beginning on page 68 of the hearings, I find that the gentleman from Ohio examined the Provost Marshal General at some length but with very doubtful results:

Mr. GORDON. General, you have testified that the apportionment of the first draft was based on figures furnished by the Census Bureau. However, they did not purport to be the figures showing the actual population of the different localities determined by the Census Bureau?

Gen. CROWDER. They purported to be a projection over of the actual population in 1910 of these localities, under rules which would approximate what the population ought to be seven years later, in 1917. That is what they purported to be.

Mr. GORDON. Did they use the same figures for the purpose of determining that population that they would use if I wrote a letter to the Census Bureau and asked them to tell me what the population of a city was on June 5, 1917? Did they take the same method of determining the population for the purposes of this draft that they would use for determining the population of any city or State now, by figuring from the population in 1910?

Did the Provost Marshal General frankly answer that question by saying that that very kind of an estimate was submitted to him by the Census Bureau but that he refused to use it? He did not. This is his reply:

Gen. CROWDER. I have only such information on that subject as they gave me in a few conferences we held during the time they were preparing these estimates. They have their own scientific rules for judging the increase of population. I understood they applied those rules and also took as accurate cognizance as they could of unusual flows of population, stimulated, we will say, very largely since the war broke out in 1914 by the demands of various centers for munitions workers. They informed themselves, I think, through the school censuses, through electoral censuses.

The general was merely giving free play to his imagination when he made that last statement. As a matter of fact, the Census Bureau did not use the figures from any school or electoral census in calculating the draft quotas—

Mr. GORDON. To what extent did they take into consideration the actual registration for the purpose of determining their first figures on population?

Gen. CROWDER. Not at all in their first estimates—

That is a true answer—

In the first estimates they were governed by the rules I have named. In the second estimate, which was one we had to have in the execution of the law, they applied a different rule.

The "one we had to have in the execution of the law." That is not a true answer. The Provost Marshal General would have told the whole truth if he had said, "In the second estimate, which was one that I demanded be prepared against the protest of the Census Bureau."

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. Does the gentleman pretend to say that Gen. Crowder did not tell the truth?

Mr. HAYDEN. He did not tell the whole truth.

Mr. MADDEN. I take exception to the statement of the gentleman that Gen. Crowder would lie about it.

Mr. HAYDEN. I am not accusing him of lying. The gentleman from Illinois can not put that word in my mouth. I am saying that when he said that they had to use an estimate of population he did not tell the whole truth, because no estimate was required under the law. The Census Bureau told him so, and told him that he could not lawfully use an estimate but should use the census of 1910.

Mr. MADDEN. And as they made it up they increased the population of Chicago a million and fifty thousand over what the population is. They reduced the population in other places to make up the increase of population, and I deny that Gen. Crowder would lie about any question submitted to him.

Mr. HAYDEN. I submit that the Provost Marshal General did not give a true answer, because he did not tell the whole truth. He failed to state that the Census Bureau advised him against the use of an estimate and that he could not use it lawfully. Nevertheless he insisted that estimates of population be used and stated that he would take the responsibility.

However, listen to his answers to these questions by the gentleman from Ohio:

Mr. GORDON. Why did you not adhere to the original plan of estimating from the best sources available through the Census Bureau what the actual population was, instead of resorting to this second method?

Gen. CROWDER. I called upon the Census Bureau for the estimate of the population which the law commanded me to take into consideration. The law did not contemplate that I would make any estimate, but it did contemplate I would go to the expert branch of the Government for those estimates. I exercised no revisory power over their estimates at all.

Mr. GORDON. You were commanded by the law to determine the apportionment upon the basis of actual population.

Gen. CROWDER. Yes; but Congress contemplated that I would get that from the Census Bureau. You can imagine what standing I would have in court if I had undertaken to estimate the population myself, without reference to the Census Bureau.

Mr. GORDON. The Census Bureau does not contend that their last basis of estimate was more nearly correct than their first?

Gen. CROWDER. I do not think they do, in the light of the criticism of both estimates.

Mr. GORDON. Your contention is that you had no discretion in the matter, but you were bound by the figures, however erroneous they might be, that the Census Bureau furnished you?

Gen. CROWDER. I certainly would not have acted upon figures from any other source, or upon my own revision of their estimates. I would have been unauthorized to substitute my own estimates for the figures of the Census Bureau.

Mr. GORDON. Even when they reported that they estimated the population of Detroit at over 1,600,000 when, in fact, it had less than 800,000, you still felt you were precluded from going behind their estimates?

Gen. CROWDER. Exactly; and I remain of that opinion.

If Gen. Crowder's replies do not constitute a complete attempt to evade responsibility by shifting the burden for adopting estimates of population from his own shoulders to those of the Director of the Census, then we must revise all of our ideas of the meaning of words in the English language.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from Missouri.

Mr. ALEXANDER. Does the law say he shall take the census of 1910? Did not it say that he should take it as a basis?

Mr. HAYDEN. No; the selective-draft law says that the quotas shall be determined according to the population. The Provost Marshal General submitted the matter to the Census Bureau, and they advised him that, as a matter of law, he must use the census of 1910 as a basis.

Mr. ALEXANDER. The population of 1917 was clearly intended in the law.

Mr. HAYDEN. The clear intent of the law was that the census of 1910 should be used. That such was the opinion of this House when the selective-draft act was under consideration is borne out by the fact that no one questioned the statement of the chairman of the Committee on Military Affairs when he asserted, in answer to a question, that a census was necessary to determine the population.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. SHALLENBERGER. Is it in the record that when the question was asked the Provost Marshal General, who was re-

sponsible for making the figures, Gen. Crowder said, "I was required to take the figures that the Census Bureau furnished me," and he put the whole burden on the Census Bureau?

Mr. HAYDEN. Yes. But the facts are that he insisted upon using figures obtained by estimating the population, against their protest.

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. How could he do anything else? Who can furnish the statistics of population except the Census Bureau? They are the only ones that have the facilities.

Mr. HAYDEN. The objection that I have to the attitude of the Provost Marshal General is that instead of frankly coming before the Committee on Military Affairs and taking the responsibility, he passed it all over to the Census Bureau. He did not bravely say, "Yes; I did it; because I thought it was the only way it should be done."

Mr. MADDEN. He asked them for the information that he had to have, and they supplied it.

Mr. HAYDEN. They supplied it under his direction.

Mr. MADDEN. They supplied it on his request; and if they failed to give him the information which he requested, he is not to blame for that.

Mr. HAYDEN. The Census Bureau carried out his wishes and gave him exactly what he asked for, but the Provost Marshal General agreed to be responsible for what was done.

Mr. McCORMICK. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. McCORMICK. Is it of record that the Bureau of the Census protested against an estimate other than that established by the census of 1910?

Mr. HAYDEN. I have read into the RECORD a copy of the identical memorandum submitted to Gen. Crowder in May, 1917, when this matter was under discussion, in which the Census Bureau told him that in their opinion under the law he could not use anything except the census of 1910 as a basis for apportioning the draft quotas.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. DENT. Mr. Speaker, I want to make this statement as to what I stated when the so-called draft bill was before Congress last spring. I made the statement in opposition to the draft legislation and in favor of the volunteer system that the law as proposed demanded that the Government should take an actual census of the country and that it would take such a long time to take that that you could get your volunteers before the census could be taken. I do not think that the War Department followed what Congress intended, because it meant actual population and not estimated population.

Mr. HAYDEN. Let me carry out further and say that nowhere in the law is there any mention of an estimate of population being used as a basis for the draft quotas. The Census Bureau points out in the memorandum submitted to the Provost Marshal General that certainly if Congress had meant that estimates should be used the law would have said so. Therefore the census of 1910 had to be used.

The answers that I have read from the hearings were made offhand by the Provost Marshal General, and it might be said that he should not be held to strict accountability for them; but on February 22 he read a prepared statement to the Committee on Military Affairs, in which, with calmness and deliberation, he repeats the assertion that the census of 1910 could not be used to fix the draft quotas. No mention is made of the effort of the officials from the Census Office to induce him to adopt the census figures and of his refusal to do so. In other words, he again failed to tell the whole truth. His statement reads:

All that could be utilized was an estimate of population. In making this estimate the Census Bureau applied the results of the registration as a constant factor and estimated population in such a way that the first quotas were not computed on population at all but on registration. Now, registration was affected by a variety of causes. Since the last census there had been a great coalescence of labor around industrial centers and a great withdrawal of it from rural and agricultural regions. This upset state of affairs was further accentuated by the fact that most of the persons who had changed their residence were young men between the ages of 21 and 30. The resulting population estimated upon this basis was in some cases grotesque and the consequent inequalities could not be cured by administrative act of the Provost Marshal General's Office—

I thank the general for that word "grotesque." It is the very term for which I have searched to describe the result of the estimate of population made for the State of Arizona—

The first draft was relatively small, but, small as it was, the protests of the localities injuriously affected were very powerful and there can be no doubt that they will be repeated if the old rule is adhered to. Those protests could not be answered in any reasonable way. The only

answer that can be made is that the law called for a basis of population, and the only population the Government knew was the Census Bureau's estimate, which, under the circumstances, could not be made more accurate, but it was admittedly not accurate in many instances. The sum of the whole problem is that the proposed rule would go far to abate the alien difficulty, would eliminate the difficulty arising out of the inaccurate estimate of the Census Bureau, and in its intrinsic worth and merit is unassailable.

If the Provost Marshal General had followed the plain intent of the selective-draft law and used the census of 1910 as the basis for apportioning the quotas for the first draft, all of this confusion would have been avoided. Any complaint that might have been made could have been properly answered by saying that the Constitution provides for the apportionment of Representatives in Congress and direct taxes in accordance with the number of people in each State, as determined by an actual enumeration of the population. If we can rearrange matters of such importance only once every 10 years, it is not unreasonable to provide that the same rule shall apply to the draft quotas. Instead of the census basis, which is free from complications and everybody understands, the Provost Marshal General seemed to deliberately go out of his way to seek trouble, and he certainly found it, as is evidenced by his own testimony given when he was insisting upon the passage of the present bill.

If the census figures had been followed, the population of the city of Detroit would not have been arbitrarily increased to 1,600,000—nearly twice the actual number of people residing there. Neither would it have been possible to do even worse than that by the city of Akron, Ohio. Nor would the city of Lawrence, Mass., have been compelled to furnish an extravagant quota from a registration which showed but 43 per cent to be American citizens.

The estimate of population used as a basis for the first draft gave my State a total population of 409,203. The census of 1910 actually enumerated 204,354 people. If these new and fanciful figures had been applied in the same ratio to the entire country, we would have to "estimate" that there are 200,000,000 people in the United States. The gross quota of men from Arizona under the first draft was fixed at 4,478. On the basis of the census of 1910 my State should have furnished a total of but 2,524 men, so that there is an excess of 1,954 soldiers now in the Army from Arizona.

But that is not half the measure of our complaint. Out of a total registration of 37,355 in my State there were 15,064 aliens, leaving but 22,291 citizens liable to the draft. Arizona has a larger proportion of alien registrants than any other State in the Union. This is due to the fact that considerable numbers of foreigners, principally Mexicans, are employed in our copper industry. The ratio 9.32 was applied to each one of these aliens, with the result that Arizona is supposed to have a population consisting of nearly 40 per cent who are not American citizens. Anyone who is even slightly acquainted with the people of my State knows that this is obviously untrue. A great majority of the miners are single men, and however often any wizardly estimator may use the fateful figures 9.32 he can not thereby transport their relatives to Arizona on a magic carpet.

Every one of these aliens was duly registered, but the great majority of them promptly claimed and received exemption from the draft. The heavy burden of supplying our quota immediately fell upon the citizen registrants, with the result that in some of the mining communities practically every young man of American birth was at once called to the colors. That they answered the call and presented themselves for enrollment without delay is an evidence of patriotism unequalled by any State in this Union. They are now in the cantonments, doing their very best to prepare for the final battle that will forever put an end to German militarism. I know that I speak for every one of them when I say that our State has been unfairly dealt with and that they have a right to ask that this injustice be corrected. They ask it not for themselves, because they know that this war will not wait for the training of other men to take their places, but for the sake of their brothers and friends who are listed for future military service.

That it may be of record that the unfair apportionment of draft quotas, which weighed so heavily against the people of Arizona, did not go without protest I include as a part of my remarks the following letter which I addressed to the proper authority on August 15, 1917, 20 days before a single one of the selected men had arrived at the cantonments:

WASHINGTON, D. C., August 15, 1917.

The honorable the SECRETARY OF WAR,
Washington, D. C.

MY DEAR MR. SECRETARY: I shall be greatly obliged if you will advise me by what authority of law an estimate of the population based upon the registration of men between the ages of 21 and 30 years was used,

instead of the population as ascertained by the last census, to determine the quotas of the several States for the first call for men made pursuant to the selective-draft act? Section 2 of the act of May 18, 1917, provides that "the population" shall be the basis for determining such quotas, and there is no mention in this section of an estimate of the population. It is true that in section 4 provision is made for estimating the population of cities of 30,000 or over, but the very fact that estimates are specifically authorized in another part of the act would indicate that the omission of the word "estimated" in section 2 was intentional.

Webster defines "population" as the whole number of people, or inhabitants of a country. The Constitution provides that there shall be an "actual enumeration" of the "whole number of persons" in each State every 10 years. Under this authority Congress has directed that a decennial census of the population shall be taken by the Director of the Census. Since no other method is provided by law for ascertaining "the population" it can not be denied that, when Congress directed that "the population" shall be used as a basis to determine the quotas of the several States, direct reference was made to the actual enumeration of 1910 and not to a later estimate.

The Constitution provides that Representatives in Congress and direct taxes shall be apportioned among the States according to their respective numbers, counting—not estimating—the whole number of persons in each State. Every reason that would justify an estimate of the population, seven years after a census, for fixing the draft quotas would apply with equal force to urge the use of the estimated population, rather than an actual count, at any time between the census periods for apportioning the number of Representatives or levying a direct tax. The authors of the Constitution very properly decided that it was unwise to follow an estimate in matters of such grave importance because any approximation of the population was bound to lead to injustice and consequent dissatisfaction, as has happened in the present instance.

Apparently the word "population" has never been given a judicial interpretation by any Federal court of record. It has, however, been judicially interpreted by the Supreme Court of New Jersey. In construing an act classifying cities according to population, it was held (in re Assessment for construction of sewer, 54 N. J. L., 156, 23 Atl., 517) that "population" could not be determined by the court through the introduction of evidence in the ordinary way, but that it must be determined by some official census or enumeration. In this case the population of a city was 8,326 by the State census of 1885 and 13,023 by the United States census of 1890, but the court held that the city could not be legally regarded as a city of over 12,000 until after April 17, 1891, when the official bulletin of the census of 1890 was published. The opinion in this case was quoted with approval in Dickinson v. Board of Chosen Freeholders (71 N. J. L., 589, 60 Atl., 220), where it was held that the State as well as the Federal census must be taken into account in determining the population of a county. The Code of Iowa (1897, sec. 48, par. 26) provides: "The word 'population' where used in this code or any statute hereafter passed shall be taken to be that as shown by the last preceding State or national census, unless otherwise specially provided. The compiled laws of Utah (1907, sec. 2498, par. 19) contain an almost identical provision. This comprises all the law that I have been able to find on this subject, and every line of it is in accord with my contention that the census of 1910 and not an estimate of the present population should be used to determine the draft quotas.

I also desire to know by what authority of law the Census Bureau estimate of the population in 1915, instead of the census of 1910, was used as the basis for determining the quota of each State at the officers' training camps beginning August 27, 1917? If there is lawful authority for the use of estimates of population, why was not the same estimate used in apportioning the admission to these officers' camps as in the case of the draft quotas? To illustrate the injustice that has crept in by reason of the departure from the official census figures, permit me to direct your attention to the fact that Arizona is required to furnish a gross quota of 4,478 men, while but 52 of her citizens will be permitted to attend the second officers' training camp. Our sister State of New Mexico must provide a gross quota of 3,856 men, yet 83 New Mexicans will be given an opportunity to become officers in the National Army. In other words, New Mexico will furnish an excess of 31 officers whose duty will probably be to drill the 622 additional men who will be drafted from my State. If the census of 1910 had been adhered to in all cases, this evident unfairness could not have arisen.

In view of all this confusion, it seems to me that the only proper way for you to proceed is by promptly ascertaining whether or not an error has been made in departing from the census figures of population in apportioning the quotas of officers and men to the several States. I have, therefore, to suggest that you call upon the Department of Justice for a legal definition of the term "the population" as used in section 2 of the selective-draft act. If the Attorney General should decide that you are bound by the totals of the census of 1910, it will then be possible for you to right the wrong that has been done by equalizing the quotas when the second draft is made.

As the bureau which is most familiar with this subject in a practical way, it seems to me that the Census Office might be able to throw some light on the meaning of the word "population." I therefore respectfully request that you make suitable inquiry of the Director of the Census for his views on this question.

Speaking for the people of Arizona, I can truthfully say that they are not seeking a way to avoid their full duty in the present war. They will promptly obey the selective-draft law in both letter and spirit whenever the meaning of the act is officially interpreted.

Yours, very respectfully,

CARL HAYDEN,
Member of Congress from Arizona.

Three weeks later I received this reply, to which I have heretofore referred, and which was prepared in Gen. Crowder's office. It states that the War Department "had nothing whatever to do" with the estimates of population and that it had a legal right to depend upon the Bureau of the Census for such estimates. The letter ends with the suggestion that the existing basis of apportionment be continued so as not to disturb the completion of the first draft and that any unfairness be corrected by future legislation.

WAR DEPARTMENT.
Washington, September 5, 1917.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: I have your letter of the 15th ultimo, in which you inquire:

1. By what authority the population of the States, Territories, and the District of Columbia, as estimated by the Census Bureau on July 1, 1917, instead of the population as ascertained by the census of 1910, was employed in determining the gross quotas of the several States, Territories, and the District of Columbia, under the first draft pursuant to the selective service act of May 18, 1917; and

2. By what authority the Census Bureau estimate of 1915, instead of the census of 1910, was used as the basis for determining the quota for each State at the officers' training camps, beginning on August 27, 1917.

By consulting the inclosed copy of the document, entitled "Estimates of Population * * * July 1, 1917," it will be noted that those estimates were made by the Bureau of the Census of the Department of Commerce in pursuance of and for the purpose of the act of Congress "To authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917. That act of Congress, in section 4, refers to "the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce" as a basis for determining the population of subdivisions of the several States and Territories and the District of Columbia, in order that local boards may be established. Section 2 of said act provides that "Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof," and also provides that the draft "shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act."

The President, under date of July 5, 1917, formally issued regulations governing the apportionment of quotas and credits, which had on June 15, 1917, been sent out to the governors of States and Territories in tentative form but substantially as finally issued. Section 4 of those regulations provides that "gross quotas shall be apportioned to the several States and Territories and the District of Columbia in proportion to the population thereof as determined by the Bureau of the Census of the Department of Commerce."

The Bureau of the Census of the Department of Commerce was selected by the President as the instrument by which population was to be determined for the purposes of said act of Congress. The wisdom and the fairness of this selection probably needs no argument to support it.

Complaints concerning the estimates of population furnished by the Census Bureau in May of 1917 were received by this office and no doubt also by the Census Bureau. Those estimates were necessarily prepared in great haste. Subsequently it was possible to readjust the estimates in the light of additional information, and new estimates were prepared accordingly by the Census Bureau as of July 1, 1917. Those estimates were embodied and published in Form 18.

It is a well-recognized fact that in recent years great shifts of population have taken place in this country. Growth in certain sections and certain centers has been phenomenal. The extent of these shifts of population can not be determined with mathematical accuracy until a new census is taken. Nevertheless it seems plain that an estimate prepared by census experts, in the light of available information, is more nearly indicative of the actual distribution of population between States, Territories, and the District of Columbia than is the latest census, taken more than seven years ago.

Two estimates recently prepared by the Census Bureau have been employed in connection with the registration and draft under the selective-service act. The first was hurriedly prepared in May of 1917 and was employed in connection with the registration and the organization of the selective machinery. The second was prepared as of date July 1, 1917, in the light of the latest information then available, and since its publication has been employed in the determination of the gross quotas to be furnished by the several States, Territories, and the District of Columbia. In each case the estimate was prepared in pursuance of and for the purposes mentioned in the selective-service act of May 18, 1917, and in neither case was the estimate employed as a basis of final official action until after it had been published.

As the estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do and upon which the War Department has a legal right to depend, and inasmuch as the first call was made for only 687,000 troops, would it not be the part of wisdom to allow the existing basis of apportionment to remain undisturbed until the first draft is entirely completed in order that it may then be determined whether in the interest of fairness throughout the Nation a new basis for any future draft that may be ordered should be prescribed by law? That portion of your letter which deals with the second question stated above will be taken up in a later communication.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

I might say at this point that I have never received a reply to my second question as to why the Census Bureau estimates of 1915 were used to determine the quota of each State at the officers' training camps. Neither has the Judge Advocate General been willing as yet to permit the Attorney General to pass upon the question as to whether he was in error when he departed from the census of 1910 in fixing the draft quotas. In view of Gen. Crowder's promptness in throwing the responsibility for the "estimate of population" upon the Census Bureau one would think that he might have consistently asked the chief law officer of the Government to relieve him of another part of his trouble.

Now, my purpose in bringing the arbitrary conduct of the Provost Marshal General and his subsequent efforts to evade responsibility for his acts to the attention of the House is not primarily to hold him up to censure. I am trying to do something more important than that. If section 2 of the selective-draft act had provided that the quotas of the several States must be determined in proportion to the population as ascertained by the last decennial census, there would have been no

room for evasion or argument. The blame for the omission of such specific instructions is therefore upon Congress. Having seen the evil effect of ambiguity, we should not repeat the mistake, particularly when we are dealing with that same official.

If Congress does not make any law dealing with the draft quotas so clear and simple that he who runs may read, I am warranted in saying that the Provost Marshal General will be sure to twist and distort it into something different from the measure that we think we are passing. It is for this reason that I favor the clarification of this legislation by the adoption of an amendment which will make it certain that the quotas of the several States shall be based upon the number of men actually liable to military service. The majority report says that such is the intent of the act, and the fairness of the proposal can not be denied. The actual wording of the bill does not compel anything of the kind to be done. Let us fix it so that hereafter there can be no dispute about doing the thing upon which we are all agreed.

The bill should be further amended to provide that credit shall be given to each State for the number of men who have entered the military and naval service of the United States. It is only by this method that we can do justice to the patriotism of thousands of men who have volunteered for service. The people of my State demand credit for the 672 men who were in Federal service as members of the First Arizona Infantry when war was declared, together with over a thousand voluntary enlistments in the National Guard and the Regular Army since that date. They also have a right to ask to be credited with the 646 sailors that Arizona has furnished to the Navy and for 52 marines. The officers who have been commissioned in the various branches of the service should also be entered in the count.

But the largest credit to which they are entitled and which otherwise would not be granted is for 3,472 men furnished under the first draft. An additional draft of 148 men departed about two weeks ago and 470 more men are now preparing to leave for Camp Funston on April 26. We also claim credit for several hundred men who have been inducted into various special and technical units of the National Army, none of whom were credited on the first draft nor since that time. It is only by giving credit for every selected man that the injustice done to the people of my State under the first apportionment of quotas can be corrected.

Up to this good hour Arizona has furnished more men in proportion to the number actually liable to military service than any other State in the Union. By that record we have earned the right to say that the forty-eighth star in the American flag is the Mars of the constellation. I want to see this bill amended so that credit shall be given for every son of Arizona who is now fighting for freedom and democracy on land or sea. [Applause.]

Mr. FIELDS. Mr. Speaker, this debate is getting interesting, and I think there should be a quorum present. [Cries of "Oh, no!"] Very well, I shall withdraw the point.

Mr. SHALLENBERGER. Mr. Speaker, I have seven minutes remaining.

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I approached the consideration of this Senate joint resolution modifying the draft law with the expectation of supporting it, but the more I examine it the more clear it becomes to me that I can not properly support it in its present form, and the more I become convinced that it is neither wise, fair, nor equitable. We are all tremendously interested in the success of the coming draft. We want it to be fair, we want it to be just, we want it to be equitable, so far as that may be possible, to all sections of the country. As the law now stands the State quotas are based on estimated populations, each State and county furnishing the number of men which is its share according to population. Those estimated populations are, it is true, erroneous in many cases.

They were good enough to credit the State that I have the honor to represent with about 20 per cent more people than it is fortunate enough to possess. But we are filling our quota upon that basis and making no complaint about it. It was suggested by the gentleman from Nebraska [Mr. SHALLENBERGER] that this is a proposition to change the rules of the game after the game is called. It would be more accurate to say that it is a proposition to change the rules after the innings are half played. That practice is of doubtful propriety under any conditions, and as there is no extraordinary condition requiring it, I do not believe it should be done in this case. Why is the change suggested, approved, demanded? Because, forsooth, there has not been a uniform and equitable distribution of the men in the various States and in the various counties of the States in the

classification, and it having developed that certain counties and certain States have placed many more men in class 1 than other counties and other States, it is proposed to take advantage of the situation thus created and penalize the States and communities which have placed a large number of their men in that class. One does not like to discuss this matter from the standpoint of a local situation, but the whole subject can be best illustrated by local examples. For instance, in my State, according to the report of the Provost Marshal General, 40 per cent of all the classified men are in class 1—the largest percentage in that class of any State in the Union. In the surrounding States from 21 to 26 per cent of the classified men are in class 1, and under this resolution, this change of the rules of the game, we would be called upon to nearly double our quota, to supply almost twice the number of men, as compared with surrounding States, that we are called on to supply under existing law. Our people are patriotic. One-third of all the counties of our State have furnished so many volunteers that they have had no call under the draft.

Several counties of the State still have sufficient volunteer credits that without change of law they would be called upon to furnish few, if any, men under the coming draft. This resolution as it passed the Senate deprives us of all volunteer credits. In spite of that fact and situation our people are so tremendously interested in the success of this great enterprise of war in which we are engaged that they would, I believe, be willing, so far as they are concerned, to accept this additional burden if it were fair and equitable generally, but it is not, it is as unfair to many local sections of the country as it is to our people. Our boys have volunteered freely because they wanted to get to the firing line, and yet, under this change of law, all credits for volunteering are to be wiped out, and the communities that sent the boys to the front at the first call are to be placed at a disadvantage compared with the communities where volunteers have been few and far between. They are to be put to a tremendous disadvantage compared with those communities where easy exemption boards have placed a large part of the men in the deferred classes. Why do not the gentlemen who were most enthusiastic for the selective draft in its present form stand by their guns? They are now proposing to modify the system by putting in practice a rule that will call only the men who would be most likely to go under a volunteer system, for they are proposing to take the men who made no claim of exemption, who allowed themselves to be placed in class 1, even though many of them might have been exempted or placed in deferred classes at their own demand. Why, at this late date, are we to call to the colors only the men with the volunteer spirit, while the slacker who appealed through affidavits to be placed in the deferred class is to be left at home? Such a proposal violates the very essence and spirit of a selective draft, and in view of that fact I can not see my way clear to support the resolution in its present form. Why can not the draft go on according to the established rules of the game? Why can not the States continue to furnish their quotas according to the estimated populations or the total of men registered? Why can not we go on as we began, under the rule that these gentlemen themselves laid down? And why are the most patriotic communities to be called upon to furnish double their quotas? Why is one county to be called upon to furnish an increased quota compared with a neighboring county, or one State an enlarged quota compared with a neighboring State? Why are communities to be deprived of the credit they ought to have and the proud distinction that they claim of having been foremost in offering volunteers to their country's service?

Mr. BURNETT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURNETT. Is not this really a penalizing of patriotism? Is not that just what the majority bill is?

Mr. MONDELL. That is exactly what it is. It is turning back on the essentials of the system that we adopted and under which one call has been made. It is proposed now, as the gentleman from Alabama well says, to penalize the communities that offered the most volunteers to the service, to penalize communities where the smallest number of men asked exemption, to penalize communities whose men come forward without claims of exemption and allowed themselves to be placed in the first class. Without the amendment offered by the gentleman from Nebraska this resolution proposes a rule that is flagrantly unfair, unjust, and inequitable. Gentlemen who imagine that as it applies to their States or districts as a whole, it will not, barring the loss of credits for volunteers, be inequitable, and therefore they are justified in supporting it, will learn much if they will examine the published lists showing the different percentages of men in class 1 in their various counties. They should consult those lists before they support this bill in its

present form. I have no doubt it was proposed in good faith, but it could not have been proposed after a careful study of the situation for I can not understand anyone desiring the draft to be as inequitable as this resolution unamended would make it. [Applause.]

Under the law as it now stands the State and local quotas under the draft, based on population, are understood, are definite, and are accepted as being settled, under the plan now proposed to fix the quotas on the men in class 1, with no credit for volunteers, and with further authority to draw from the deferred classes, the quotas are uncertain, indefinite, and, owing to the varying proportion of men in class 1 and the wide difference in the number of volunteers in many cases, inequitable. Under the present law, Congress has definitely fixed the basis of the quotas; under the new plan the determination of the number of men a given State or community shall furnish is largely left to the discretion of the Provost Marshal General.

While I am on the subject of military service I can not refrain from expressing the pride I feel in the record of my State in this war. Its people have responded nobly to every call in men, money, and material. Our quotas of bond issues for the Red Cross and for the work of the Y. M. C. A. have all been oversubscribed. In every community of the State our splendid women have given of their time, talents, and money in liberal and generous measure. They have bravely bid goodbye and Godspeed to their sons, brothers, sweethearts, and husbands and taken up the patriotic work of providing articles for their comfort in the field, in camp, and in hospital.

Nor have the war services of our patriotic women ended with war work. They have responded cheerfully to the advice and suggestions of the Food Administration and performed faithfully the duty of conserving the food supply of the Nation, and at the same time providing wholesome and nutritious food for the household in spite of rising prices, food embargoes, and doubtful substitutes hard to get.

Our stockmen and farmers have met the problems of labor shortage and increased costs with a heroic spirit and kept the farms and ranches up to the maximum of production of food-stuffs, so essential to the conduct and winning of the war, in the face of the most trying and discouraging conditions.

In the mines, on the railroads, wherever brawn and muscle, skill and endurance are applied to production and transportation of food and feed and fuel and all articles necessary to keep the wheels of enterprise turning, the Nation clothed and fed, and "the home fires burning," our men of skill and muscle have been true, faithful, and efficient.

In the matter of military service Wyoming's record has been such as to afford our people abundant reason for proper and pardonable pride. One-third of the counties of the State—to wit, Big Horn, Crook, Fremont, Hot Springs, Park, Platte, and Uinta—filled their entire quotas in the first draft by voluntary enlistments. Two counties—Park and Uinta—have volunteer credits remaining, and in the case of Park County the credit is sufficient to cover the probable quota under the second draft.

The State stands fourth among the States in the ratio of enlistments to the gross quota, and if we could have the credits due us for enlistments of Wyoming men in other States, would no doubt stand first. The acid test of service is to be found in the ratio of actual enlistments to gross quotas, and by this test Wyoming also stands fourth among the States, being exceeded only by States which by reason of their location furnished many men for the Navy and received credit for them.

The finest test that can be had of the physique as well as the spirit of a people is to be found in the proportion of men certified and accepted to those called; where this ratio runs high it reflects a high physical standard and a patriotic desire to serve. It is the final proof of the lack of weaklings and slackers. On this test Wyoming stands first in the official records of the draft. Fifty per cent, or one-half of the men called, were certified and accepted. The average for the country is 34 per cent, and in some States it was below 25 per cent.

I have already called attention to the fact that as our men stand classified for the second draft 40 per cent are in class 1. We may realize how high a percentage this is when we consider that the average for the country is a fraction less than 28 per cent and that in some States it is as low as 21 per cent. In our neighboring State of Utah the percentage of class 1 men is 22; in Colorado, 24; in Nebraska, 26; and in Montana, 31 per cent. It is this wide difference in the proportion of men in class 1 that renders the plan of basing quotas on class 1 men, as proposed by this resolution, so inequitable.

It may be claimed that our large proportion of men in class 1 is due to a considerable extent to the large number of unmarried men, but that claim is not sound, because neighboring States, with quite as large a percentage of unmarried men as we, have

far fewer men in class 1. Furthermore, the records show that with the exception of the States of Arkansas, Louisiana, and Mississippi, where there are large colored populations subject to the draft, a larger number of married men were accepted in Wyoming in proportion to those called than in any State in the Union. Class 1, it should be remembered, includes all married men who made no claim for exemption or deferred classification and also those whose claims for deferred classification were not allowed.

In this connection it is interesting to note the spirit of the men called for service as reflected in the claims for exemption. With our fine showing otherwise, we would perhaps be unduly puffed up if we stood at the very head of the list in this respect, but I think we may be proud of the fact that in this regard Wyoming stands fifth from the top of the list of States. This fine record is a splendid testimonial to the enthusiasm and patriotism of our people.

Such, briefly, are the outstanding facts of Wyoming's conduct toward and contribution to the war thus far. Our boys have gone freely with stout hearts and high resolves; our folks at home stand steadfast behind them, prompt and faithful in every good work and necessary sacrifice. Over yonder where the guns thunder are our valiant fighters, and over here are the faithful hearts and willing hands giving them support. We have confidence that our men on the battle line will give a good account of themselves and that the folks at home will do their full duty. In that assurance lies our faith in the ultimate victory of our cause.

Mr. SHALLENBERGER. Mr. Speaker, in the few minutes yet remaining before the close of the debate on this side, I want to make plain to the House and answer, if I can, the argument of the gentleman from Vermont [Mr. GREENE], who made the only argument that can be made to support this bill, and which the gentleman from California [Mr. KAHN] will undoubtedly elaborate. That is that the plan proposed by Gen. Crowder contemplates a nation war; that the thing we of the minority are contending for is a local matter. As a matter of fact, when you investigate the matter you must see that the plan that the minority is contending for is the national principle. If you have the call based on class 1 alone, it makes it a matter of the action of local boards of the different counties—becomes a matter of great local interest to the neighborhood. If the quota is based upon a military population, the action of the board can not change the number of soldiers to be furnished. Here is a tremendous responsibility—a responsibility of furnishing men to fight in this war—and we propose by the rule of military population to distribute that great responsibility fairly over the entire population of the United States. Our proposition is a national proposition. Their proposition makes it a neighborhood proposition. The Census Bureau pointed out to Gen. Crowder, as we learn from the speech of the gentleman from Arizona, that the proposition which we stand for was the fair proposition upon which to draft the country's manhood. [Applause.]

Mr. FIELDS. Mr. Chairman, before yielding the remainder of my time I just want to take time to say a word to the House. If the proposition of the committee prevails, no married men will be taken from their families in any section, so long as there are single men to be called in the country; but if the proposition of the minority prevails, married men will be taken from their families in some sections while there still remain uncalled unmarried men in other sections of the country. I now yield the remainder of my time to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. MADDEN. Mr. Speaker, I think we ought to have a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] It seems quite evident a quorum is not present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Beshlin	Curry, Cal.	Fairchild, G. W.	Goodall
Borland	Decker	Fess	Graham, Pa.
Britten	Delaney	Flynn	Hamilton, N. Y.
Buchanan	Dies	Fordney	Harrison, Miss.
Byrnes, S. C.	Donovan	Foss	Hewson
Candler, Miss.	Dowdell	Gallagher	Heflin
Carew	Drukker	Gallivan	Heintz
Carter, Mass.	Dunn	Gandy	Hensley
Costello	Elliott	Godwin, N. C.	Hicks

Hollingsworth	McLemore	Reed
Hood	Mann	Riordan
Johnson, S. Dak.	Meeker	Roberts
Jones, Va.	Miller, Wash.	Rose
Juni	Mondell	Rowland
Ketiner	Moon	Rubey
LaGuardia	Mudd	Sanders, N. Y.
Lea, Cal.	Neely	Sanford
London	Norton	Scott, Iowa
McAndrews	Parker, N. J.	Scott, Pa.
McIntire	Powers	Sears
McCulloch	Ramsey	Sells

Smith, T. F.
Snyder
Stephens, Nebr.
Sterling, Ill.
Taylor, Colo.
Temperton
Towner
Volstead
Walsh
Wilson, Ill.
Wood, Ind.

The SPEAKER. On this call 350 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. FIELDS. Mr. Speaker, the gentleman from California [Mr. KAHN] has been yielded 30 minutes.

The SPEAKER. The gentleman from California is recognized for 30 minutes.

Mr. KAHN. Mr. Speaker, no one can have read the speech of the English premier, delivered in the House of Commons last Tuesday, without becoming impressed with the seriousness of the European war situation and the magnitude of the task that confronts the American people. Lloyd-George, in speaking on the English man-power bill, announced a program that contemplated the drafting of men up to those 50 years of age; of drafting clergymen and putting them into noncombatant work; and of taking all men under 25 years of age now engaged in the industries and drafting them into the fighting force of Great Britain. He announced frankly that his country had met with a serious reverse, but he said that England will never quit until her last ship is sunk. Her spirit is dauntless. In that same dauntless spirit we will have to fight this war.

Let us not delude ourselves. The man power of this country will be needed to win this war. The men on this floor and in the Senate of the United States have already begun to figure, not in dollars and cents, not in hundreds of thousands, not in millions, but in billions of dollars. The men on this floor and in the Senate will have to figure as to man power in this country not in thousands but in millions. We will have to furnish in the final analysis, as I stated a moment ago, the man power to win this war. There are not going to be a few hundred here or a few thousand there; there are going to be millions of American fighters before we can hope to finish the struggle.

It matters not how we got into the war. We are in it, and no patriotic American will question his country's right in this crisis. We began the war because Germany served notice on us on January 31, 1917, that if our ships crossed a certain line which she herself drew on the Atlantic Ocean, which line under international law we had an absolute right to cross, she would ruthlessly destroy our ships and perchance sink and drown our people. She carried that threat into effect. Thereafter there was nothing for us to do but to surrender or to fight, and we determined to fight. [Applause.] And we have got to win the fight. [Applause.]

Certainly I have tried since this country entered the war not to minimize our difficulties. At times I may have seemed pessimistic in discussing the matter with my colleagues, but I think I understand the psychology of the German people. Members of this House during the past year have often thought that a condition had arisen in Germany when the people of that Empire were starving and that they would have to make peace. Conditions had arisen in Germany, or at least the newspapers told us they had arisen, which indicated that possibly there was going to be a revolution in that country, and therefore the central powers would have to make peace. Personally I constantly held that no such conditions prevailed in Germany. As I asserted a moment ago, I believe I know the psychology of Germany. Personally I maintained that we would have to win this war by force, and nothing but force. [Applause.] High authority in this country has come to that same conclusion quite recently. I am happy to say, and we might just as well face the issue that confronts us on the basis of force from now on. Therein lies our safety, our salvation, I believe. [Applause.]

It is almost a year since we passed the selective-draft law. That law was predicated upon the principle that it is the duty of every citizen to render service to his country, especially when that country is involved in war. It is a sound principle, and the American people have amply justified that law. They have accepted it in the spirit in which it was enacted. The conditions to-day in the National Army camps of this country attest the soundness of that principle. The splendid way the boys went to the colors from their various homes shows how sincerely the people stand behind that law.

To-day we are considering a proposition to amend that law. The pending resolution provides for the calling into the military service of certain classes of persons registered and liable to military service under the terms of the selective-draft law. It likewise is predicated on a basic principle. That principle is that the men who should first be called to the service of their country ought to be those who can be best spared with the least possible injury or disturbance to industrial, agricultural, or domestic relations. The proposed legislation takes these available from each locality in proportion to the resources of that locality.

That is what is involved in this bill. That is what the classification means. All those in class 1 under the questionnaire system have few ties, but the men in class 2 and class 3 and all the other deferred classifications are so industrially or socially related to the affairs of the Nation that to take them ahead of some of the others would be a serious disturbance of those relations. That is the basic principle involved.

It is claimed by those who signed the minority report that this plan is productive of inequalities. I grant that is so. Of course, there will be inequalities. But I contend there will be fewer inequalities under this plan than under the first draft. Therefore, in my opinion, inequalities have nothing to do with the quota basis. There are naturally inequalities in the 4,557 registration districts into which the Union has been divided. In some States the inequalities between these districts within the State have been very great. In the aggregate, however, when the entire country is taken into consideration, the inequalities between the States range less than 10 per cent, and these are due to various industrial and social differences. In fact, the new classification reduces inequalities and does not increase them.

England made her serious mistake by taking all men of certain ages at first, although they were connected with industries necessary to the winning of the war, and then sending them back again to reenter those industries. We want to avoid that. We want to keep the men that are necessary to agriculture, that are necessary to industry, that have families dependent upon them, as long as we can in this country before sending them abroad. Oh, no one can tell how long this war is going to last. We may be fighting for the life of the Republic within a year, and we must have these reserve classes in the final analysis to fall back upon for the maintenance of those very industries that will be needed to be kept alive to help win the war.

It was inevitable that the first draft, based upon population figures, could not be anything like correct. No census had been taken since 1910. The Census Bureau had to guess at the population in many of the rapidly growing manufacturing cities of the country. There will be no census taken in this country until 1920 under the Constitution. So the population figures have been misleading in numerous instances. But the classification figures form a safe basis from which to draw quotas.

But there is another consideration that has to be taken into account. We are not fighting this war as 48 separate States of the Union or 435 congressional districts of the Union. We are fighting this war as a great Nation. It is the Nation's war. It is not the war of any State. It is not the war of any congressional district. It is the war of every American, no matter where he lives. [Applause.] If we win the war—and we must win it—every State will share in the benefit, every congressional district will share in the benefit. But each separate division and subdivision of the American Republic must come wholeheartedly, patriotically, devotedly, to the assistance of the Government, and furnish its man power whenever called upon to do so by the Commander in Chief of the Army, the President of the United States. [Applause.]

In this crisis I contend that no man should take such a narrow view of the situation as to want to make a fight against the proposed legislation because his district may have to furnish a few more men than some other district. If any Member here should be defeated, the country will still be able to survive. There are none of us of such importance that our defeat would be a calamity, but our country's defeat would be a calamity that would have a serious effect on the civilization of mankind. Therefore I repeat we must win this war.

I am afraid those who have signed the minority report have taken too narrow a view of this matter. Suppose we were to follow their views to a logical conclusion in connection with the armies of our cobelligerents. Take the case of Great Britain. Suppose Scotland were to say to Wales, "We have furnished 5,000 more men than you, and we will not send another man until you have furnished as many as we have." What would be the position of England in this war? Suppose England were to say to Scotland and Wales, "We have furnished 10,000 more

men than you together. We will not furnish another man until you bring forth another 10,000." Where would Great Britain, fighting as a nation, end in this war? Suppose Yorkshire should say to Lancashire, "We have furnished more men than you. We will not furnish another man until you meet our number." Where would Great Britain be in fighting this war?

Take the case of France. France is fighting superbly, fighting nobly. She has won the admiration of the world. [Applause.] She is fighting as a nation. Under the arguments adduced here to-day Normandy ought to say to Brittany, "We have furnished more men than you, and we will not furnish another man until your number equals ours." Suppose Picardy should say to La Vendée, "We have furnished more men than you, and therefore we will not furnish another man until your quota equals ours." That would be the logical conclusion in Europe if the views of the gentlemen of the minority should prevail.

And what of Germany? What if Saxony and Bavaria and Wurttemberg and Baden should say to Prussia, "We have furnished more men than you. We will not furnish another man until you furnish as much man power as we have furnished." I wish to the Lord they would say that. [Applause and Laughter.] It would make our task a great deal easier. But Germany is fighting as a nation, and the sooner we begin to realize the fact that we, too, are fighting as a great nation that has fundamental rights at stake the better it will be for us and the better it will be for our cause. [Applause.]

I believe we have taken a long step in advance in this war. Our armies are not referred to nowadays as the Regular Army, the National Army, the National Guard Army. They have all been merged into one. They are referred to as the Army of the United States; and in the Army of the United States California has her sons, Wisconsin has her sons, Nebraska has her sons, Virginia has her sons. Every State in the Union has her sons, who have gone to fight for the cause of the Union in the Army of the United States. For me the cause of the Union in this crisis is paramount and the legislation for which we are called upon to vote to-day will enable us to furnish an army of men whose going "over there" with the American colors will do the least possible injury to our economic and social relations.

Mr. Speaker, I listened with a great deal of interest to the argument of my friend from Nebraska [Mr. SHALLENBERGER], the leader of the minority on this question. The only logical deduction I could make from his argument was this, that every local board in this country—and there are 4,557 of them—must be distrusted. That is evidently his conclusion. His argument indicates to me, at least, that they have not acted squarely, and that their work must be distrusted. I have no such view on the proposition. The members comprising those boards were men who were appointed to their positions because they had a known reputation in their respective communities. They were men of probity, of honesty, of integrity, and they did their work according to their lights. In some places they may have been too lenient, in other places they may have been too rigorous; but the Provost Marshal General has already sent a telegram to the governor of every State asking that in those districts where there seem to be an abnormal number of rejections or an abnormal number of acceptances the cases arising in such local board districts be investigated by special agents. These special agents are now in the field.

If they find that some of the boards have been too rigorous, they can order appeals to the district boards, and the district boards will see to it that the proper classification will be made. So, too, in the districts where there have been too many exemptions. The inspectors are out now, and if they find that the local board did not properly interpret the Provost Marshal General's instructions, they have ample authority to see that the district boards shall hear appeals, and those inequalities can and will be corrected. In fact, they are being corrected and will continue to be corrected right straight along.

But there is one other proposition involved in the amendment to be proposed by the gentleman from Nebraska [Mr. SHALLENBERGER]. He assumes, or must assume from the trend of his argument, that the conditions in every district are practically identical; that practically the same conditions prevail in every district throughout this country. Why, you all know that that is impossible. It stands to reason that in many districts conditions are so dissimilar that there must be a larger number of exemptions or a larger number of acceptances in some than in others. Yet the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] is based practically on the proposition that in every district in this country the conditions are about the same. I deny that such a condition prevails.

My colleagues, I have heard it said that even assuming that we are going to have such a large Army as has been spoken of, it will be impossible for the American forces to be landed in

France, or to feed them in France. No condition has ever yet arisen in the United States of America that has baffled the ability of American statesmen and the American people. [Applause.] We will meet those conditions as they arise. We realize that we must win this war no matter how many men it may take, no matter how much treasure it may cost, no matter how long the time in winning it. We are but beginning the struggle now. Let us, by adopting this resolution, give the President every opportunity to take into the service of the Nation those men who can best be spared at this time. Let us take everybody embraced in class 1 before we begin anywhere with class 2. Therein lies our safety. Therein lies our power to win this war. Picture to yourselves millions of Americans leaving their homes, leaving their land to fight for American principles, to fight for American rights. You do not want at the very outset to pull away from their homes and families men who can not be spared. You want to take the men who best can be spared. If, God forbid, we shall ever have to go into class 2 or 3 or 4 to win this war, I know that Americans in those classes will go cheerfully and willingly. But do not let us take them until the country is driven to the extremity of taking them. [Applause.]

One word more and I have done. It has been suggested that you are not going to get credit for those who volunteer. Those who have volunteered have thus far been credited to the districts and the States.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I shall then speak of this matter when we get under the five-minute rule. [Applause.]

The SPEAKER. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act; or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

Mr. SHALLENBERGER. Mr. Speaker, I have an amendment that I desire to offer to the bill.

The Clerk read as follows:

On page 2, line 5, strike out all after the word "act," down to and including the word "act," at the end of line 8, and in line 11, after the period at the end of the bill, insert the following:

"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption, and credit shall be given on its quotas to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States from any such State, Territory, District, or subdivision thereof, since April 1, 1917, including members of the National Guard who were in the Federal service on that date."

The SPEAKER. The question is on the amendment.

Mr. SHALLENBERGER. Mr. Speaker, I wish to speak on the amendment.

Mr. GREEN of Iowa. Will the gentleman from Nebraska permit me to make a suggestion?

Mr. SHALLENBERGER. Certainly.

Mr. GREEN of Iowa. Would it not be well to agree on some time for debate on the amendment?

Mr. SHALLENBERGER. I suggested to the gentleman from Kentucky [Mr. FIELDS] that we should make some agreement as to time on the amendment, and he thought we had better go on a little bit under the five-minute rule, and then arrive at an agreement later.

Mr. STAFFORD. Will the gentleman permit me to make a parliamentary inquiry?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. Mr. Speaker, the gentleman from Nebraska is proceeding under the one-hour rule, having offered an amendment, this being a House bill?

The SPEAKER. He undoubtedly is.

Mr. STAFFORD. I think there ought to be some agreement as to time and not run along without limit. Does the gentleman have any objection to the bill being considered under the five-minute rule?

Mr. SHALLENBERGER. I have no objection.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the bill be considered under the five-minute rule.

Mr. SHERLEY. Reserving the right to object, literally the five-minute rule would permit a speech for and against the amendment of the gentleman from Nebraska, which presents the whole question by way of amendment to this bill, but I think there ought to be more debate than 5 or 10 minutes on a side under the five-minute rule. If we can have an understanding that those who have not been able to speak in general debate, who have been busy in other work, may have a reasonable opportunity to debate the matter, I shall not object.

Mr. DENT. May I make a suggestion to the gentleman from Kentucky and the gentleman from Nebraska that debate on this amendment be limited to, say, one hour, the time to be controlled by the gentleman from Kentucky and the gentleman from Nebraska.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that debate on this amendment be limited to one hour, half of the time to be controlled by the gentleman from Kentucky [Mr. FIELDS] and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

Mr. SHALLENBERGER. May I be permitted to make a suggestion, that so many gentlemen have made application for time that I am quite sure that one hour is not sufficient, and I suggest to the gentleman from Kentucky that he ascertain how many Members want to speak for five minutes.

Mr. FIELDS. Mr. Speaker, so many Members have a desire to speak that I ask unanimous consent that the time be limited to two hours, one hour on each side, to be controlled one half by the gentleman from Nebraska [Mr. SHALLENBERGER] and the other half by myself.

Mr. CANNON. Does that cut off all other debate?

Mr. FIELDS. That is only a request to limit the time on the pending amendment.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on the Shallenberger amendment be confined to two hours, one half to be controlled by himself and the other half by the gentleman from Nebraska. Is there objection?

Mr. WALSH. Reserving the right to object, is it the intention of the gentleman in yielding this time to yield only five minutes to a Member? There are several gentlemen who I think ought to have more than five minutes to discuss this amendment, who have not participated in general debate, and if they do it is going to require more than two hours. I do not think that necessarily the Members who desire to discuss the amendment under this arrangement should be confined to five minutes.

Mr. FIELDS. It is my intention to be fair and extend the time as far as I can. I hope that gentleman will confine themselves to five minutes as near as possible, because the rights of all Members are equal in the House, one man having just as much right to speak as another. I hope Members will confine themselves to five minutes.

Mr. CANNON. The committee is entitled to first recognition, and the committee consists of 21 members?

Mr. FIELDS. Twenty-one members.

Mr. CANNON. What does the gentleman think of an hour on a side for that?

Mr. SHALLENBERGER. Mr. Speaker, I suggest that we make it an hour and a half on a side.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that we proceed under the five-minute rule for the present, without fixing any time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed under the five-minute rule, without limiting the time. Is there objection?

Mr. SHALLENBERGER. I object. I think we ought to pass this bill and agree upon a time to debate it. If two hours are not enough, let us make it two hours and half.

The SPEAKER. Has anyone any request to make? If not, the Chair will recognize the gentleman for an hour.

Mr. BURNETT. Mr. Speaker, we have already spoiled the day, and we will likely not do anything more than this, and I suggest that we debate this matter for three hours.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the debate on this amendment be confined to three hours, one-half to be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and one-half by myself.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on this amendment be limited to three hours, one half to be controlled by himself and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, does that include the amendment and all amendments thereto?

The SPEAKER. It includes the Shallenberger amendment.

Mr. BARKLEY. I desire to offer an amendment to the Shallenberger amendment. I desire to propound an inquiry as to whether I shall be shut off from debate of my amendment?

The SPEAKER. If the gentleman can get his amendment before the House now, you might debate the whole subject at one time.

Mr. FIELDS. Mr. Speaker, I shall modify my request by making it the Shallenberger amendment and all amendments thereto.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate upon the Shallenberger amendment and all amendments thereto be limited to three hours. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, I will ask the gentleman from Kentucky as to whether or not I will be taken care of to debate my amendment during those three hours?

The SPEAKER. The Chair can not say what the gentleman from Kentucky will do.

Mr. FIELDS. Mr. Speaker, I will state to the gentleman that I will yield to him.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker and gentlemen of the House, there are two items only that I want now to bring to the attention of the House that were not presented heretofore, and I do not want to take more than a minute or two to do it. First, I want to call attention to the fact that when we passed this great draft law the Congress of the United States surrendered to the War Department the lives and the bodies of these young men of draft age with but two limitations only upon that department. You may search this law through and you will find only two possible limitations on the absolute power of the War Department over the lives of these men. One is—and I quote from the act—

Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population.

That is something they could not change. The population is determined. It is fixed. That was one safeguard that you put around it, that every section of the country should be treated exactly alike in asking this great sacrifice. The second is that credit shall be given upon those quotas for the number of men who are in the military service of the United States and the National Guard, or who have entered that service since the 1st of April, 1917. Those are the only two limitations put upon the War Department in handling these men. This resolution that is so carefully drawn is intended to and does take away the last limitation of protection that the Congress of the United States threw around this matter to protect the interests of these men.

This resolution provides that nothing in this act shall prevent the President of the United States from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons of any class or classes, except those exempt from draft under the provisions of the act. The first part of the act which it repeals is the one basing it on quotas, and the other is that which says that credit shall be given for volunteers. They tell you they have a classification now. Do you know that if you enact this law the Provost Marshal General can do what he has done before? He can change this draft classification to suit himself. If you repeal that provision of the present law, he can issue a classification that all of the men who are red-headed shall be placed in one class, that all of the black-headed men shall be placed in another class, and all of the light-headed men shall be placed in another class, and then he can say that he will keep the red-headed men at home, because the enemy can see them in the nighttime, and that he will take the black-headed over there, because they can not see them in the nighttime, and that he will use the light-headed men for day attacks. You say that that is absurd. Well, many absurd things are being done in certain bureaus of the War Department. And he can do another thing if you adopt this bill without amendment. He can classify all of the men from Iowa in one class, all of the men from New York in another class, all of the men of military age from any particular State in one class by themselves, and then he can call those men from different States in the order that he determines. He is in effect doing that already. The gentleman from Georgia calls your attention to the fact that he has asked for more men from Georgia than he has from New York in this new draft.

In the first call under the second draft no credit was allowed for the volunteers. I wrote a letter to the Provost Marshal Gen-

eral and asked him why no credit was allowed, and reply was made that credit was refused at present because he had to get a certain number of men, but that in subsequent quotas they expected to give credit to those entitled to it for volunteers. Now he is calling for more men from Georgia than he is calling for from New York, and he can keep on calling, if you repeal this law, until he has taken every man from Georgia under that draft quota as he goes on getting his 800,000 or his 2,000,000 men, and he may finally say, "I am going to take those fellows from New York next summer."

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. I can not be interrupted now. But, my friends, this war may be over in six months and those men from Georgia may go over there and get into the trenches while these other fellows remain here drilling. You surrender every protection of the present as to equality of liability to military service to these men who are over there fighting for us in the trenches, who are giving their lives for us.

Now, is the Congress of the United States going to attempt to repeal and take away from these drafted men every protection that the law gives to them at present? And yet that is what you do when you repeal this act. Now, I want to make this point and then I am done: The present law is attacked frequently because they state that it is unfair as between those communities having only a small alien population and those having a large alien population. Gen. Crowder is upon record that of this second call of all the men remaining of proper draft age he expects to get 2,200,000 certified for service and in class 1.

Every delinquent in the United States that failed to respond to the draft or answer the questionnaire is in class 1. We had in the last draft 3,000,000 to get the first million certified men from, and they had 252,294 delinquent from that 3,000,000 men. Every one of those are in class 1 if they are still delinquent. Now, he has called 6,000,000 men to draw his new quotas from, and we have the right to assume that since he got that number of delinquent men from the first 3,000,000 men it is only fair to assume he will get 500,000 delinquents from the remaining 6,000,000 men. If that is so, then he will get 750,000 delinquents in class 1. The gentleman from Arizona has pointed out the fact that he has had a telegram from the adjutant general of that State that in a certain county of Arizona more than half the men of class 1 are delinquent—Mexicans leaving the country to avoid service. Now, these are some things in this bill I want you to understand. Mr. Speaker have I used five minutes?

The SPEAKER. The gentleman has an hour and a half.

Mr. SHALLENBERGER. I shall not use much more time, as there are many other gentlemen who have applied for time. The Judge Advocate General says we should secure for service 2,200,000 men. He only claims that many by counting also the boys he expects to get when you allow him also to take in the million boys that have come of age since the declaration of war. It is in the Record that 1,500,000 men are all the men expected to be furnished this country from the boys called from class 1, taking those men absolutely fit for service, unless we include also those 21 since last June. As I stated yesterday, gentlemen of the Congress, if you limit this class to class 1, we can not possibly get the size army that we will require; and the contention is made and the only argument that I have heard that seems to appeal to a great many gentlemen with force is that class 1 excuses married men. Now, gentlemen tell you that class 1 excuses married men. Do you know how many men in the United States did not claim exemption under class 1? Sixty per cent of all the men that went in did not claim exemption.

We do not know whether they are married or not. Thousands of married men are in class 1. Do you think that those counties that have got 75 per cent of all their registrants in class 1 have not got married men in that class? Every married man that a board thought did not support his wife is in class 1. Every married man who they thought had enough money to support his family without him, and that he ought not to stay at home, is in class 1. Every married man who did not claim exemption as having dependents is in class 1. Nobody knows how many married men are in class 1.

Mr. SABATH. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield.

Mr. SABATH. The local boards have the power to classify so; for instance, in the case of Nebraska, it was up to the local boards to properly classify them, is not that true?

Mr. SHALLENBERGER. Yes, sir.

Mr. SULLIVAN. If there is a fault anywhere it would lie with the local board?

Mr. SHALLENBERGER. The local boards when they classified the men did not know that was going to be the basis for quotas. Now, as to the classification, and I want to say with regard to that, that I am glad the gentleman brought it to my at-

tention, that those of us who advocate this amendment do not propose to do away with Gen. Crowder's classification at all. Our contention is that the classification is a proper thing. Of a thousand men of draft age in a certain county we say that county shall be required to furnish the same number of soldiers as any other county of the same military population, and we propose under this selective plan to allow that board to determine the order in which they shall be taken. If a county has a large number of men of military age and a call goes forth for those men and the men refuse to go as volunteers, what are you going to do to the boy who has the courage to go? Is it not the purpose to take that fellow who ought to go and did not go? Is not that the purpose of the law?

Mr. SABATH. Is it not much better even to take those who are desirous of going and ready to fight than to take a lot of cowards and slackers who do not want to serve their country?

Mr. SHALLENBERGER. That is the object of my amendment.

Mr. PHELAN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. PHELAN. Will the gentleman point out in the committee bill specifically what there is to prevent the President from taking class 2 men when he sees fit, even though he desires to take class 2 men before all of class 1 are exhausted?

Mr. SHALLENBERGER. He can. He can take all the men, if we pass this bill, in any class that he sees fit. We have repealed all restrictions as to that.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. STEVENSON. Then why should not the apportionment be based on all the men of these four classes, because they are all made liable to be called under this bill at the same time?

Mr. SHALLENBERGER. Yes. Some have misunderstood my language when I say that the quota should be based upon those men of military age, liable to military service. That includes the four classes. Under the classification every man who is not liable to military service is in class 5, so that in these places that have a large alien population every alien claiming his alienage is in class 5, and he is not counted. The only distinction I make from those who are liable to military service, I say, is including those aliens who waive exemption, and I do that because under the ruling of the draft board every alien who is willing to fight and waives his exemption is placed in class 1, so that under my amendment every soldier who is willing to fight is allowed to go to the front, and each county furnishes its quota according to its population.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, it is with great reluctance that I oppose the amendment of my colleague from Nebraska [Mr. SHALLENBERGER], but this matter has been agitated to such an extent in my State that I feel that it should be my privilege to briefly give my reasons for opposing the amendment.

The debate has indicated that certain territorial divisions of the United States have been independently classifying as soldiers all men liable to military service. On the contrary, the United States itself, as a nation, through regularly authorized agents, has been taking a census of man power within this Nation. These agents have selected for class 1, presumably acting honestly and in good faith, those men who are best fitted to bear arms for their country. They have put into class 1, as I understand it, those men who in large measure, or the greater proportion of whom at least, are without dependents at home, who can be best spared from the employment the curtailing of which would materially reduce the military efficiency of the Nation.

There never was a time when the Republic needed efficient soldiers as it needs them now. It is useless for us to deny or minimize the tragedy which the cause of civilization now faces. Disaster lurks just around the corner in France.

Roumania has made a separate peace; Russia has collapsed; Italy is driven back to the plains; the western front is 2 miles nearer Paris than it was on this date two years ago. What is there in the present condition to justify the belief that this war can be won without the greatest assistance from us of which the Nation is possessed?

With that idea in view, the man power of the Nation has been classified. Into class 1 has gone that type of man whose mind will be unfretted by anxiety and worry for dependents left at home. He will have nothing to divert him from the stupendous

task allotted to him. Class 1 is made up in large measure of the lads who are searching life for its adventures, and who will seek upon the fields of France the opportunity that hearts unafraid have searched for since the world was young. An army of such as these when assembled will be the most potent military force that ever troubled the earth with martial tread. In this day of apprehension it is not essential what city or county or district or State shall claim them, for they come as soldiers of the Republic, not as citizens of a community. [Applause.]

This is not a county war, nor a congressional district war, nor a State war. This is the war of the Nation. Never since the old bell clanged out the announcement that a new Nation was born has the Republic faced such a crisis; never during its glorious history has the Nation had the opportunity for world service that it has at this hour.

Already we fight side by side with those with whom we make common cause. Already, beyond the sea, American boys are thrusting their strong young bodies between the advancing hordes and the Nation they serve. In the trenches, hollow-eyed with fatigue, grey of face from weariness, struggling, panting, sobbing from exertion, the American soldier seeks to stop the advance of those who are bent on the destruction of all that you and I hold dear. Why, even as I talk to you in the fading light of this day, boys, American boys, lie with torn and twisted bodies, mere huddles of clothes, with white upturned faces in the blood puddles of France. The wires beneath the restless waters of the ocean are singing with the burden of appeals for help that they carry. Appeals from France, from England, from Pershing. Efficient help and immediate help. But with our ears dulled we debate as to whether Waterloo, Iowa, shall furnish more or less men than Cedar Rapids. We are calling upon the citizens of the Nation, for in this hour nothing but the country counts. In this day of peril if every man able to bear arms and to be of military service to the Nation lived in my State I would bid them go, for they would go to defend the Nation without which there would be no State.

Because the exigency is national in aspect, and because the need for efficient soldiers is so great, I oppose the amendment.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, I do not see why there should be so much feeling over the proposition involved in this bill as has been displayed in the debate. Whether you adopt the proposition proposed by the War Department, which is sponsored by Gen. Crowder, a very able man, or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], you do not add one single solitary soldier to the forces of the United States. So that it is useless to talk about raising a big army by adopting the War Department plan instead of the Shallenberger plan. You do not add a single man to the military forces of the United States, and I am getting awfully tired of the propositions that are being advanced by the newspapers, criticizing Congress because it does not absolutely adopt everything that the War Department proposes. [Applause.]

So far as this bill is concerned, for instance, there appeared in the morning press the statement that I was opposed to the bill and that the gentleman from California [Mr. KAHN] was leading the fight for it. As a matter of fact, under an agreement between the gentleman from California and myself, the time in favor of the bill is controlled by the next ranking Democratic member of the committee, Mr. FIELDS. Now, it is not fair that Congress should be continually criticized because we happen to exercise some little judgment and opinion as to what the character and the nature of legislation should be in order to carry on this war. [Applause.] So far as I am concerned, I have been holding back the report of the Army appropriation bill, because I want to know, when the Secretary of War returns from France, whether he wants a million and a half men that they have asked now or whether he wants 3,000,000 men; and if he wants 3,000,000 men, I am going to vote for it. [Applause.] There is absolutely no difference of opinion between the members of the Military Committee, so far as supporting the War Department and the administration is concerned, except as to matters of detail.

Now, I have heard a great deal of discussion here to-day about the difference between the plan proposed by Gen. Crowder and the amendment offered by the gentleman from Nebraska. Let us see what it all means. In a nutshell Gen. Crowder's proposition gives to each local board the opportunity and offers the temptation to eliminate from class 1 those who might have some political pull and influence.

Under the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] there is recognized the classification proposed by the War Department. He recognizes the fact that there ought to be a call, first, of men who have no dependents, but he says that they ought to be called from class 1 first, not in accordance with the number that the board puts in class 1, but in accordance with the number totally liable for military service under the law that has been enacted. [Applause.] Now, is there anything unfair in that proposition? Are we unpatriotic because we support a proposition like that? Are we to be charged with not supporting the administration and the war because we say that each community should furnish from class 1 its proportion in accordance with the total number liable for military service?

Mr. PHELAN. Will the gentleman yield for a minute?

Mr. DENT. Yes.

Mr. PHELAN. What does that mean—the first four classes—"the total number liable for military service?"

Mr. DENT. It means all liable to service.

Mr. PHELAN. The gentleman will admit that under the proposed amendment it is possible to exhaust class 1 and go into class 2 in one district and not in another, is it not?

Mr. DENT. That may be possible, it is true, and it is also possible that one county in one State could exclude men who ought to be in class 1 under the program proposed by Gen. Crowder, whereas another county would live up to the law.

Mr. SHALLENBERGER. And it is possible, under the bill as asked for by Gen. Crowder, to go in and take all of classes 2, 3, and 4 before taking those from class 1.

Mr. GORDON. He can also take all the men he calls for from one State—is not that true?

Mr. DENT. He certainly can.

Mr. GORDON. There is no mistake about it.

Mr. FIELDS. The very fact that he can would obviate the objection that men might be placed in class 2 instead of in class 1. His department has authority to do that.

Mr. DENT. Of course, it has authority to do it, but that is not the program that Gen. Crowder told us he was going to carry out.

Now, there is another proposition involved in this. I want an army just as much as anybody else; but, as I said in the beginning, you do not add anybody to the military service by this bill. We deliberately, under the act of May 18, 1917, commonly known as the selective-draft law, provided that every community should be given credit for volunteers in either the Regular Army or the National Guard. The proposition of Gen. Crowder absolutely repeals that idea. The amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] preserves it. I have been so worried over this situation—

Mr. FIELDS. The gentleman is referring to credit for volunteers?

Mr. DENT. Yes. If the gentleman will give me time, I will state that more fully.

Mr. FIELDS. Is not the gentleman aware of the fact that that question is not the issue in this amendment?

Mr. GORDON. Oh, yes; it is.

Mr. DENT. Certainly it is.

Mr. FIELDS. I understand the gentleman divided his amendment.

Mr. DENT. No; the gentleman is mistaken about that.

Mr. HARDY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Texas.

Mr. HARDY. Will not this law and the amendment of the gentleman from Nebraska both repeal the original law, which provided that quotas should be furnished by States in proportion to their population?

Mr. DENT. Undoubtedly.

Mr. HARDY. Both repeal that.

Mr. DENT. Yes.

Mr. GORDON. It has never been carried out, anyway.

Mr. HARDY. So that with either one of these amendments adopted we would go to making each State furnish its quota in proportion to the number of those who seem to be liable for military service?

Mr. DENT. That is the interpretation of the War Department.

Mr. HARDY. And a State, with its population composed one-half of foreigners, will be called upon to furnish its quota in proportion only to those liable to military service?

Mr. DENT. Undoubtedly.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman just stated that if the original bill passes it will do away with credit for all those who volunteer. Now, under the original law, all those who volun-

teered got credit under the first draft. Is it not a fact that the gentleman really means that if this original bill is passed there will be no credit, only for those who have volunteered since then.

Mr. DENT. That is exactly what the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] seeks to correct, and under his amendment credit will be given for those men who have volunteered in either the Regular Army or the National Guard since then.

Mr. KINCHELOE. Since the first draft?

Mr. DENT. Yes.

Now, Mr. Speaker, one other question. I started a few moments ago with a statement to the effect that under the act of May 18, 1917, credit was given for volunteers. I have been exceedingly worried and anxious to have bills coming from the Military Committee receive unanimous support from every member of that committee—this is the second bill about which there has been any difference of opinion. I have taken no stock in this fight one way or the other up to this time. I took this matter not only to Gen. Crowder, to the Acting Secretary of War, but to the President himself, and voluntarily, on the 26th of March, the President wrote me this letter:

THE WHITE HOUSE,
Washington, March 26, 1918.

MY DEAR MR. DENT: After my brief conference the other day with you and two of your colleagues of the Military Affairs Committee, I laid the matter we then discussed before the Acting Secretary of War, and he has sent me the inclosed memorandum. I must frankly say that I find the arguments contained in this memorandum very hard to answer. The whole thing is very debatable, but, on the whole, I think the weight of the debate lies on the side of the contention of the War Department.

That is in favor of the first proposition offered by the gentleman from Nebraska [Mr. SHALLENBERGER], the President himself admitting that the proposition is exceedingly debatable, and therefore nobody can be criticized, I think, for voting either way.

It may be, as they say—

Continuing the reading of the letter of the President—

that in giving credits for voluntary enlistments under the new draft no "useful purpose" would be served, but I think, nevertheless, that it would be perfectly proper to include such allowances in the new law.

Cordially and sincerely, yours,

WOODROW WILSON.

[Applause.]

Mr. SHERLEY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Is there anything that requires the House to take all of the Shallenberger amendment in order to deal with the question of giving credit for volunteers?

Mr. DENT. Why, certainly not. It is a divisible proposition. The gentleman is a good parliamentarian, and he knows that.

Mr. SHERLEY. But there seems to have been such an effort to tie them together, so as to make the House take all or none, that I wanted the gentleman's opinion.

Mr. DENT. I think it is a divisible proposition, but I do not care whether they are tied together or not. The gentleman from Nebraska came to me and asked me whether or not I thought the proposition was divisible, and not being a parliamentarian, like my friend from Kentucky [Mr. SHERLEY], I went to the gentleman from Georgia, Judge CRISP, and asked his opinion, and he told me it was, and I accepted his opinion on the subject. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Speaker, I am strongly in favor of the Crowder plan for the next draft, and against the Shallenberger amendment. I represent a population of 265,000. In my district is a voting population of nearly 60,000, showing you that I have no sectional interest but certainly a sectional pride, and that I have no large foreign population in my district. For the information of the House I would like to attempt to show you that some credit is given in the next draft to the volunteers who have already gone out into the service of the Nation.

The gentleman from Kentucky [Mr. FIELDS], on page 123 of the hearings before our committee, in discussing this bill, says:

Mr. FIELDS. For instance, the county of Bracken, in Kentucky, had no draft; they had no men taken by the draft. They had 52 more enlistments than their quota under the draft. How would that county be affected?

Gen. Crowder. They would take the reduced strength of class 1 in that community, due to the fact that all these men had been transferred to the service, as the basis for determining the number of men to be taken from that community into the second draft.

Then Mr. HULL of Iowa asked this question:

Mr. HULL. That means that we must accept the principle and not claim any credit for all the National Guardsmen who have already gone in.

Gen. CROWDER. You get credit in the way I have suggested. The basis for determining credits is the strength of class 1. If you have had a large number of enlistments, the number of men in class 1 is correspondingly reduced, and therefore you work out a smaller quota for that community under the new rule than under the old rule.

Yesterday the gentleman from Nebraska [Mr. SHALLENBERGER], in his most eloquent speech, said:

Let us have done with foolish fancies about winning this war or fighting with ships, with speeches, etc. This war will be won and can only be won when we put more fighting men in France than the central powers of Europe can muster.

To be sure, Mr. Speaker, we have the men here. It is acknowledged that we have nearly 2,000,000 men under draft, many of whom volunteered, and we must feed these men. These men must be clothed and ships must be built to send these men across the water. I am in favor particularly of the Crowder plan of drafting because it drafts according to eligibles and not population. I have no large foreign population in my district, perhaps, except in one city, the city of Quincy, the home of the Fore River Shipbuilding plant and the Victory plant. In one of these plants are employed 8,000 men working in two shifts. In going through this plant more than a year ago I ascertained that 2,500 men could not speak a word of English.

The city of Quincy in the first draft exhausted nearly 40 per cent of its eligibles, and why should the city of Quincy be penalized by going on in the old way according to population because it has a large foreign population—2,500 men in that city building ships which are of prime necessity in winning the war. These men are just as useful in their occupations as many of the men who have gone into the draft service.

The President and Secretary of War may approve this plan or that plan; they have not as yet indicated that they are for this amendment or for the Crowder plan, but I should prefer to take the dictation of the Provost Marshal General whose function is to carry out the plan for raising the next draft army. He is in the position perhaps of my father, the proprietor of a woolen mill, who knew all about the buying of wool and the sale of woolen goods; but he did not know, perhaps, about the intricate and special work of the sorting room, the weaving room, or the carding room, but left the functions of that important duty to his boss sorter, the boss carder, the boss spinner, and the boss weaver, and yet he was the actual administrator of the woolen mill, as the President is the Commander in Chief of the forces of the Army, and the Provost Marshal General is the particular officer designated by the Government to propose draft legislation, and he has worked out the first draft with notable ability and efficiency.

Gen. Crowder has worked out a splendid plan for reinforcing the Army of the country, and his wisdom can be absolutely relied upon. This is no district matter, it is not sectional, not a proposition of the State, but is of national consideration. My own town of Dedham, with a population of 11,000, has sent to the war in volunteers and in other capacities 400 men. In the first draft its quota amounted to about 70 men, showing you that there is no sectional reason for my favoring the Crowder plan; but it is just a matter of eligibility and the fairest way to raise the next quota of 500,000 men for service in France. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Speaker, I had not intended to speak on the measure because I thought it was so fair in all of its provisions that it would hardly be necessary to appeal to the House to enact this necessary legislation. I regret very much to differ from the distinguished chairman of the committee, for whom I have the highest regard and who, I believe, is working to the best of his ability to form, equip, and provide for a splendid Army for the United States. I think that Gen. Crowder in his splendid presentation of this matter before the committee has simply given the country and all of us the benefit of practically one year's actual experience in the operation of the so-called draft law. And I believe that the classification as arranged for, which has been carried out, is a step in the right direction. In other words, the local boards have decided by scanning the questionnaires which have been submitted to them, regardless of whether exemptions have been claimed, who in their communities belong in these different classes. The Shallenberger amendment presupposes two things. First, that you can not trust the local boards in the different communities to do their duty.

I want to ask the gentleman from Nebraska [Mr. SHALLENBERGER] whether he is afraid to trust the local boards in his own State? I want to say here that my own experience has been that these boards are trying just as conscientiously as any men can to do their whole duty. All of our laws are administered through human agencies, and these men are courts ad-

ministering this law, just as the judges and the juries of our local courts administer all of our laws, and I say it is absolutely absurd to claim that we can not trust the men who have been selected for these boards to do what they know is right in making these classifications.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. The gentleman, of course, understands that no draft board had any idea when it classified these men that it was going to determine the percentage of men that was going to be sent?

Mr. CRAGO. I am not so sure about that, but I venture to say that the boards in this country did their duty as they saw it when they put these men in the classes where they belong. The amendment which the gentleman has offered presupposes another thing, and that is that conditions are the same, economically, industrially, socially, all over this country. We know that is a fallacy. They are not the same, and these boards in doing their duty to the utmost will necessarily find in some of our communities class 1 will be small and class 2 larger and class 3 still larger. You can not take our entire country and so standardize our conditions as to make the classes the same in all of them. Our whole draft law was based on the idea of furnishing to the service of the United States the men most available. These men have been classified by our local boards, and is it not the fairest thing to take from that classification No. 1 the men who have been placed there before we touch any other class? "Oh," but it is said, "they have the power to take men from any class." I have heard that repeated several times. Any member of the committee surely knows the purpose of that language as it was explained to us by Gen. Crowder, namely, this: These local boards, by reason of a man's environment, by reason of the fact that he may be the pivot man in some industry, will put him in a deferred class, but the time will come perhaps when that man will not be needed in that community for that particular purpose, when he is more necessary to the Government by reason of the fact which gave him his deference into that class, and, consequently, if the Government needs so many expert carpenters, so many expert electricians or mechanics of any kind, they can go into those other classes and take them from those classes only when the President has decided it is for the best interests of the Government rather than the community to take these men out of the other classes. I think some of the members of our committee have forgotten the testimony that was voluntarily given before our committee when a Member from Texas brought in some of his constituents from along the border and they said to us: "Gentlemen, under this present plan of assessing quotas you have absolutely robbed us of all of our American citizens within the draft age. We have in our community so many men who have come across the border who are not subject to this draft that in order to furnish our quota you have absolutely robbed us of our entire citizenship between the ages of 21 and 30."

That made an impression on our committee at that time, and that situation is exactly what this classification plan will correct.

The great stumbling point, as I see it, is the misunderstanding as to giving credit for the volunteers. I want to say this, and I wish I had time to go into it further, that we did get credit in the local communities for the men who went voluntarily into the National Guard organizations, and that was the real purpose of putting that provision into the draft act. Most of the volunteering since that time has not been in the line of the Army, and to-day they are not taking volunteers in the line of the Army for which these communities can get credit. They are taking them for technical purposes, and they are being urged for this or that particular purpose, but not for the line of the Army. There is no great argument in that, because the community is not doing itself justice when it asks that the individuals who want to stay at home be protected by reason of the fact that patriotic young men have been found to volunteer for this technical service in the Army. You are not protecting any community; you are taking from that community and its industrial life more of its strength than you would take under this classification system, and you are only protecting the individuals who would be left at home, who do not want to serve, because the community will have sent the same number of men into some service—not into the line of the Army—and they are getting credit for them, not as a community, but the individuals who stay at home are getting credit for them. It seems to me that would not appeal to anyone. We have had our credit for our volunteer organizations—namely, the National Guard—and why should any community ask this in behalf of the individuals in class 1 who want to stay at home? It results in their asking it for those individual persons who are

benefited, and they are the only ones who are benefited at all by this so-called claim for exemption. Indirectly they are getting credit anyhow, because the men within the draft age who go into any arm of the service voluntarily go directly out of class 1. At least 90 per cent go from that class. Therefore class 1 is reduced to that extent, and the district will not be required to send as many men as they would otherwise.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, considerable feeling has been aroused by the Shallenberger amendment. Supporters of this amendment, of which I am not one, have made statements insinuating that the local draft boards would use their power in an unfair and unjust way. On the floor there have been suggestions, if not absolute accusations, to the effect that if the quota is based on the total number of those eligible to military duty in class 1 that the local boards would discriminate and put some men in class 2 who ought to be in class 1. This is an insinuation and accusation against the fidelity of the local boards. I contend that any indictment of a draft board is equivalent to an indictment of the Government itself. It is an indictment of the selective-draft law, which constitutes the bulwark of our present and future Army. If we can not trust these 4,500 boards to act as fairly and justly as boards humanly can, then our whole system fails. If it is true, if the suggestion is at all valid, if it is possible or remotely probable that these draft boards would fail justly and fairly to consider all the facts with regard to each case, then these draft boards should be shot at sunrise. I can not conceive of anything more damnable than for a draft board, dealing with human lives, to do otherwise than their very best, to deal justly and fairly with every young man coming before them for consideration. Personally I have the greatest confidence in the fidelity of our local boards, and I do not believe that the great mass of them would ever consciously do anything but the fair thing and the right thing. They have given strenuous labor to their task and have sought to do justice in exercising their great powers. These boards have tremendous responsibilities, and involved in these insinuations that the draft boards are going to put men in class 2 in order to escape the draft is an indictment of the whole selective-draft system. The day will come, if it is not already here, when the Nation will recall the selective-draft law as the salvation of the country at a time when we faced our greatest crisis. It was with regret that I listened to other insinuations to the effect that Gen. Crowder had not been open and above board in all his work.

Too great credit can not be given to Gen. Crowder for the splendid manner in which he has accomplished the great task placed upon him by the Government. He has worked early and late, amid many provocations, seeking only to act justly under conditions which could not but bring forth criticism from one source or another. It would not be humanly possible to raise a great army in the short time in which our Army was raised without injustice of one kind or another. But I, for one, believe that the Provost Marshal General based all his actions on fundamental principles involved in the selective-service act and deserves not the condemnation that has been meted out to him by some, but words of praise and commendation for the tremendous task he has achieved.

The Nation has accepted the selective-service law with that splendid spirit that always characterizes our people. If this draft law is wrong, abolish it. I am one who fought consistently for it, and I believe in it now as the only democratic method of raising an army, and I want to see it perfected.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. LUNN. In a moment.

I want to see it perfected, so that the selective character of the draft can be more effectively carried out. This bill without the Shallenberger amendment carries out the purpose of the selective-service law better than in any other way. It would take as a basis for the quota the total number eligible for military service in class 1. And who are those in class 1? The young men who are most able to serve; those who would be most effective in the Army. The great majority of them are unmarried and without dependents. It has been the purpose of the questionnaire to place those who are married and have dependents in class 2. That being the case, it seems to me we are following out the spirit of the selective draft as we have not been able to follow it out heretofore, owing to our lack of experience when we first adopted the law.

Now I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I just want to ask the gentleman if he stood by his statement that, in a certain event, it ought to be

abolished. Would not the adoption of this resolution abolish the principle of the selective-draft law?

Mr. LUNN. No; it would not. I am speaking now against this Shallenberger amendment. Insinuations have been made to the effect that we can not trust the local boards. The gentleman would be the first to invoke the severest penalty on any board who would be guilty of giving any man deferred classification who ought to be in class 1.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. COX. I would like to get the gentleman's viewpoint on this proposition, if I can make myself plain: What would be the remedy in the event a local board would not put in class 1 the men who ought to be there? Or what would be the remedy in the event a local board put in class 1 the men who ought to be put in classes 2, 3, and 4?

Mr. LUNN. If it can not be covered by regulation, it should be covered by law if they purposely and willfully do that thing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. SHALLENBERGER. Is it not a fact, since you raised the question of the draft board's honesty, that certain draft boards have been removed in your State because they were corrupt? [Applause.]

Mr. LUNN. Yes. We should do that. But the fact that one man is guilty of robbery in America is not an indictment of the whole population, and the fact that we have removed a board simply shows the determination of those in charge of the draft to penalize as far as possible those who would do wrong. [Applause.]

Mr. COX. Does the gentleman think there is any danger along that line?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LUNN. May I have two minutes more?

Mr. FIELDS. I yield to the gentleman from New York two additional minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes more.

Mr. LUNN. Mr. Speaker, I want to say just a word as to the statement made that we are penalizing patriotism by this bill. We are not penalizing patriotism. The whole Nation has volunteered, and the selective-service law simply calls in his proper turn the young man at the time needed and in the way needed. I do not believe that credit to the community should be given for men who for one reason or other volunteer over the men who are kept until they are called in the draft, and would as gladly go in advance of the draft as they do when called to the colors. The basis of our Nation's life is on the principle of universal service. Not military service, for it is impossible for all to serve in the Army, but we are all universally obligated for service to the Nation. Let me also emphasize as strongly as I can, that men are not volunteering because they love the small city or the larger community or the whole State, but are, to my mind, volunteering and going in advance of the draft because they love America and are able to go in advance of the draft.

That is the object of those who volunteered, and the ones who are to benefit by such volunteering should be the entire Nation. Those who claim that the patriotic men who volunteered are being penalized unless their community is given credit are, in their turn, endeavoring to penalize patriotism by capitalizing it locally. To my mind no one within the draft age should be allowed to volunteer on the basis that all have volunteered and are waiting call when the Nation needs them. The whole Nation should be benefited by those who are above the draft age volunteering their services. I would not allow any man in the draft to volunteer for the reason that I would more and more honor the draft system, for the man following his call in the draft is as patriotic as the man who volunteers. Many a man naturally waits his call in the draft who, if conditions allowed, would gladly volunteer. Therefore the men in the draft should not in the least be considered as deserving of any less honor than the man who volunteers.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. LUNN. Yes.

Mr. HARDY. Suppose the gentleman would find that of two exemption boards in two counties of similar population one of them had put in class 1 25 per cent of its population and the other had put 45 per cent. Would the gentleman think, however honest the boards might have been, that that would be a criterion on which to base the quotas of those two counties?

Mr. LUNN. I would say that would be an apparent wrong, but I think that under any system there may be here and there an injustice.

Mr. HARDY. The gentleman is basing his quota upon an apparent wrong.

Mr. LUNN. That would not exist over the entire country in the 4,500 boards. Some inequities would arise inevitably. There would be cases of injustice, but the whole purpose of the selective-draft law is to avoid this as much as possible and gradually take care of every case where an injustice has been done.

America is confronted by the most tremendous task in its history; her very life is threatened; her future imperiled. Therefore we need the protection of the selective-draft law and must not witness its impairment in any case whatever. America must win this war, and America will win this war for the reason that our cause is just.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Maryland [Mr. PRICE].

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

Mr. PRICE. Mr. Speaker, during last year there were two great events—particularly great—in this country. The first was on the 6th day of April, when this Congress, the Members of this House, nearly 400 of them, sat in this Chamber and voted to serve notice upon the Imperial German Government, "So far shalt thou go, and no farther," and on which occasion we pledged all the resources of this great country to that cause. The other was on the 5th day of June, when 9,600,000 of our young American manhood went to the registering places in their respective States and placed their names upon their country's roll and said, "Here am I; send me."

I say to you, Mr. Speaker and gentlemen of this House, that that was one of the most inspiring spectacles that the American people have ever been called upon to observe. It was brought about without disorder, in a spirit of patriotism and of loyalty. There were scarcely any violations of the law. And why was that? In this great Nation, with our prejudices for peace and with our inherent love for the volunteer system and our abhorrence of the draft, why was that possible? Simply because the young men of the country felt—and they had a right to feel—that when they registered themselves for service to their country they would be treated fairly. They felt that this great Government would see to it that they had a square deal. In the law that we passed it was specifically stated that the different quotas of the different States and political divisions of this country should be based upon the population of those communities.

Can anything be fairer than that? Is not our whole theory of Government based upon representation according to population? And why should that whole system be now disturbed? Is it not fair to assume that the registered military strength of any community is the proper proportion for that community to furnish to the military service? These young men who felt that this Government had pledged them a square deal have the right to expect of this Congress to see to it that the agreement is kept and that our contract with them is carried out in good faith.

Now, this resolution proposes to disturb the whole theory on which this draft law was based. I can see the argument that the shifting of population or the predominance of aliens in a community may work unfairly, but that will be rectified in the amendment offered by the gentleman from Nebraska, which gives credit for volunteers and fixes the status of aliens, so that if that is disposed of and the young men of a community go and register, can anything be fairer than that those people should be called in proportion to that registration?

I want to give an illustration. I am not one who charges that local boards in this country are corrupt. I do not believe they are. But I have had occasion to question the judgment of some of them, and I want to show you, gentlemen, on what a flimsy pretext you would disturb this great national policy of distribution of quotas for military service.

I took occasion recently to ascertain from the local boards in my own district the number of registrants in each class, and in the nine counties of my district the variation in the judgment of the local boards is shown in the fact that the proportion of the registrants in class 1 runs from 13 per cent in one county to 41 per cent in another. Do you think that is anything on which to base a national policy? It so happens that in one county which has 13 per cent in the first class, the adjoining county has 41 per cent. They are alike as two peas. They are not like the two counties referred to by my friend from California [Mr. KAHN]. One is not Republican and the other Democratic; they are both Democratic. It so happens that each county has about 1,100 registrants in the four classes, and it also so happens that the two counties are absolutely like one community. I

know them. There is practically no difference either in the mode of living or in the industries of those two counties. Yet one of them furnishes 148 people in class 1, while the other furnishes 450. It is merely the judgment of the local boards in those counties and nothing more. Shall we base a great national policy on such judgment as this? I assume this is no exception, and that such conditions exist all over the country, in fact, several instances have been cited during this debate by gentlemen from different sections of the country.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. PRICE. Yes.

Mr. McKENZIE. Does the gentleman know the number of men who volunteered from these two particular counties?

Mr. PRICE. No; I do not.

Mr. McKENZIE. That might change it, might it not?

Mr. PRICE. I do not think it does. So far as I can see, that has nothing to do with the classification. That had to do with those who went away in the first draft, whether communities were given credit or not.

Mr. McKENZIE. It would change the number remaining in those counties in class 1, would it not?

Mr. PRICE. No, sir.

Mr. McKENZIE. If a large number of them had volunteered?

Mr. PRICE. No, sir; I do not think so. That is not my understanding of it.

Mr. FIELDS. Will the gentleman yield for a question right there?

Mr. PRICE. Yes.

Mr. FIELDS. Is the gentleman aware of the fact that the differences between the local boards is not so great under the questionnaire system as it was under the system under which the first draft was made?

Mr. PRICE. This was done under the questionnaire system, and I have received this information within the last few days.

Mr. PHELAN. Will the gentleman yield?

Mr. PRICE. Yes.

Mr. PHELAN. Do not these very discriminations exist under the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. PRICE. These discriminations still exist, but the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] will prevent the taking away of all of one class all over the country, and will distribute this military service in the place where it ought to be distributed.

Mr. KAHN. Will the gentleman yield?

Mr. PRICE. Certainly.

Mr. KAHN. Does the gentleman think a man ought to be dragged from his family and put into the service while there are single men who have no ties, and who could go with the least effort to serve the country?

Mr. PRICE. I do not think it is necessary to drag anybody from his family. That does not enter into the question at all.

Mr. BARKLEY. Will the gentleman yield there?

Mr. PRICE. I prefer not to be interrupted. The question is this: My friend from California [Mr. KAHN] very beautifully described this proposition as a great national question. I believe it is a national question. I believe this Nation is alive to its responsibilities and its duties, but I also believe if you want to nationalize it in the best possible way, the best way to do it is to let each community and State be permitted to furnish only its proportional part. [Applause.]

Mr. FIELDS. I yield five minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, I am glad to see something done on this matter. Last September I appeared before the Committee on Military Affairs and urged the reporting of a bill of a similar kind. Whether we adopt the bill submitted by the committee or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], either one will be a great improvement over the present law.

I favor the bill reported by the committee, but I should like to see it amended. I hope to see it amended first so that the new provisions will apply whether classes are made or not. In other words, I should like to see the word "population" stricken out of the present law. I should like to see it amended, furthermore, so that credit will be given for voluntary enlistments or inductions. In that particular I want to point out that in lines 9 to 11, on page 2, those men especially ought to be considered in giving credits, and I think under the present bill they probably will not be.

In both the present committee bill and the amendment offered we find these same propositions. These provisions in this bill apply only when classes are made. The amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] applies only when classes are made. We find also that under each the divi-

sion into classes is intended. All this talk, therefore, about the injustice done by the various boards under the bill proposed by the committee is begging the question. No matter whether we have the present law or the Shallenberger amendment or the law proposed by the committee, we still have classes and we still have classification boards; we still have the liability to error of men's judgment, or even unfairness on their part, and the possibility of a lack of uniformity in arranging the classes. So that when you argue that proposition you are begging the question.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. PHELAN. I will if I can get more time. I will say that it might be a little more accentuated under the committee bill, but the question still remains. Now, here is the fundamental principle underlying the difference between these two. Under the committee bill you can not go into one class until you have exhausted the class before it, unless you go into that same class proportionately all over the country. Or, to put it another way, every time you go into one class, no matter what class it is, the same process applies all over the United States, and the same percentage is applied to that class. Under the Shallenberger amendment it is possible and probable, and it undoubtedly will happen in many cases that in some parts of the country while you are still drawing men to fight in the trenches from class 1 in other parts of the country you will be taking men from class 2 to do the same thing. Now, if that is so, will somebody tell me why you should make any classes at all?

Mr. MONDELL. Will the gentleman yield?

Mr. PHELAN. No; I have not the time, unless I can get my time extended.

Mr. MONDELL. I thought the gentleman wanted an answer to his question.

Mr. PHELAN. I do, but the gentleman takes too long to answer questions. Let me give a few figures. These may not be the actual figures in a particular case but they will show the point: Suppose in one community we have 5,000 men in the first class, 2,000 men in the second class, 2,000 in the third class, 1,000 in the fourth class, making 10,000 altogether. Suppose in another community we have 2,000 in class 1, 2,000 in class 2, 2,000 in class 3, 4,000 in class 4, making 10,000 just the same. The call goes out to take 25 per cent. Under the Shallenberger amendment you take the whole 10,000 in the first community and take 25 per cent of that. There you get 2,500 men from that community—community No. 1—and you take 2,500 men out of class 1, and it leaves 2,500 men still in class 1. In the other community you again take 25 per cent of the total 10,000. That amounts to 2,500. You take 2,000 out of class 1, and then go into class 2 and get 500 additional to get the total of 2,500. In other words, while you are taking men from class 1 in one part of the country you may be taking men from class 2 in another part of the country. I feel that it would arouse a great deal of discontent if a condition like this were permitted. Our people will gladly make any sacrifice, but they do insist, and have a right to insist, that burdens shall be distributed equitably. The Shallenberger amendment will not distribute them equitably. With the changes I have suggested I shall support the committee bill.

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, as I understand the proposition, it is primarily to change the method upon which the draft law of 1917 was built. That law provided that the draft should be based on population, and the Census Bureau worked out a scheme of population which, it is claimed, is inequitable and unfair.

This bill that is now proposed by the committee, which I favor, proposes to place this whole matter on the basis of the persons that are registered and liable for military service. That is the only equitable way in which to build an army in this present crisis.

Mr. LONDON. Will the gentleman permit me to ask him a question?

Mr. ROBBINS. No; I have not the time.

Mr. Speaker and gentlemen of the House, on the 5th day of April, 1917, the Congress of the United States declared—

that a state of war between the United States and the Imperial German Government had been thrust upon the United States is formally declared, and pledge the entire resources of our country to carry forward this war to a successful termination.

In order to successfully carry out this declaration it was necessary to raise men and money, and the selective-draft law was enacted and approved by the President on May 18, 1917.

This law established a new method of raising an army in the United States and provided that the quotas for the several States and Territories and the District of Columbia, and

subdivisions thereof, should be determined in proportion to the population thereof, and credit should be given to any State or Territory or subdivision thereof for the number of men who were in the military service of the United States or members of the National Guard on April 1, or who had since entered the military service, either as members of the Regular Army or National Guard, and all male persons between 21 and 30, both inclusive, should register in accordance with the regulations to be prescribed by the President.

Pursuant to this the President issued a proclamation fixing June 5, 1917, as the date upon which all those subject to this selective-draft law should register, and in accordance therewith, on said date, 9,586,508 men registered as subject to military service. It was decided to select from this number 687,000 men by the first draft, and a system of selection was devised whereby the names were placed in black capsules and drawn from a glass bowl by blindfolded men specially selected from among the students of the various universities. The first drawing took place on Friday, July 20, 1917, in the Senate Office Building, the first number being selected by the Secretary of War himself, in the presence of a vast concourse of people, in the Senate caucus room, the event being epoch-making.

In order to carry this law into effect it was necessary to organize 4,557 local draft boards, each composed of 4 persons, which with their clerical force and assistants voluntarily rendered, made an aggregate of 100,000 men engaged in this service, who, between July 30 and August 25, heard and disposed of about 1,000,000 cases, averaging 70 cases per day per board. This service was rendered voluntarily in most instances, so that the cost per man selected averaged from 54 cents cost per registrant to \$7.59 per man drawn, or an aggregate of \$5,211,965.38, to the General Government.

This preliminary statement is given to explain the cause of the necessity for now amending this law, because it was found that this draft bore inequitably upon the various districts from which the men were drawn and that much dissatisfaction arose from the literal enforcement of the law.

In order, therefore, to ascertain the true facts and circumstances that surrounded each registrant, and in order to enable the various boards to properly consider claims for exemption, because there had been taken and filed with the President 22,250 appeals from the decisions of the local boards under the rules promulgated by the Provost Marshal General's office, an order was issued October last to each registrant to file a statement, called "questionnaires," disclosing the facts with reference to his employment and history, so that the question of exemption and classification could be worked out equitably, promptly, and justly.

These "questionnaires" resulted in the division of all registrants into five classes; the first class was to include those who, under the selective draft registered throughout the entire country, could best be spared for military service. The second, third, and fourth classes embraced those less available in the order names, and class 5 contained those who were not subject to military service in any event, namely, those physically and morally unfit aliens, those already in the military service, conscientious objectors, and some others.

With the completion of the first draft and the filing of these questionnaires, the exact amount of men in each district available for military service was fully disclosed and the inequalities under the existing law were made apparent.

May I call the attention of this House, Mr. Speaker, to my own district.

In the county of Westmoreland, Pa., which is the largest of the two counties in the district which I have the honor to represent, this condition was disclosed:

Number of registrants	26,940
Number of aliens not subject to military service	9,570
Number of alien enemies	96
Total aliens	9,666
Registrants subject to military service	17,274
In Butler County, Pa., total registrants	7,036
In Butler County, Pa., total aliens	1,109
Total from which quota must come	5,927

Under the selective-draft law, therefore, the quota which Westmoreland County must furnish was based on 26,940, but after deducting those who had already claimed exemption and were released the number of men that were available was but 17,274, from which the entire quota must be furnished, because the law required the quota to be furnished "in proportion to the population thereof," while the quota to fill the draft must come from the lesser number, to wit, those remaining after deducting aliens. In Butler County, the other county in my district, the same inequality appears by the above figures.

This was manifestly unfair. With this mere statement this situation cries loudly for correction.

Therefore the joint resolution now being considered is proposed. This resolution provides, omitting unnecessary verbiage, as follows:

That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress * * * are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes * * * in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however, classified or wherever residing.

This, therefore, means that when in my district, because of the large number of aliens, class 1 is exhausted no further calls shall be made therein until class 1 in the other districts of the country have been exhausted.

The selective-draft law was passed in order to organize the Nation to carry on this war. The classification found on the questionnaires is made up by sorting out all men within the draft age, so that those who can be most readily spared to enter the military service shall be first taken, and those who are required to remain at home to carry on the business of the country, produce food, manufacture arms and equipment for the soldiers, build ships, and support dependents shall not be taken until dire necessity compels the Government to withdraw them from industrial pursuits.

The effect of the enforcement of the act of the 18th of May, 1917, is to strip all districts where there is a large foreign population of all the native-born Americans and leave the foreigners to take their good jobs, grow rich on the profits arising from war activities, while the Americans must bear the brunt and hardship and suffering and death caused by this terrible war. This is unjust. This condition can not be imposed upon the inhabitants of the districts where industrial activities have attracted large foreign population. This war can not be fought without the munitions and fuel, equipment, and industrial output of the large populous centers, along the Atlantic seacoast, and in the mineralized sections of the United States. The iron mills of Pittsburgh are located there because of the presence of fuel and ore and natural environment.

The shipbuilding of the Delaware was located there because natural conditions make it the most available spot. Coke and bituminous coal are produced in my district, because the minerals exist there in a state of nature, and in their development a large foreign population has been attracted by the advantageous conditions of employment, and yet to say that because the population is enhanced, by a number of residents of foreign birth and who are not subject to military service, and that the native Americans must furnish all the men for the Army, is to assert that an inequality and unjust burden must be borne by these people. Such position is untenable, unfair, and should not be seriously advocated by anyone.

It has been asserted on this floor that this war can only be won by the men in the trenches with a gun in his hand and a bayonet pointed toward the foe. Far be it from me that I should detract anything from the man who risks his life, he is undoubtedly the greatest factor in winning this war. He is the one who is making the supreme sacrifice; he is the man who is entitled to our undying gratitude, and over him and his deeds the encomium of his countrymen should ever be pronounced. But we must not forget that this man must have ammunition for his gun, must have the protection of artillery and airplanes, and must have behind him a mighty fleet to carry him food, clothing, medicines, and munitions.

The Russian infantry made poor showing when their munitions ran out, and they fought the Germans with shovels, crow-bars, and guns without bayonets. The collapse of their army was largely due to the failure of the people to support it, equip it, sustain it, and this Congress and this Nation would blush with shame and disgrace if the day ever comes when the American troops will be driven from their trenches because of lack of munition, lack of artillery, lack of airplanes, lack of food.

It has been stated that it requires five men working at home to support, equip, and maintain one man in the trenches.

Just now, with the greatest battle in this horrible, terrible war raging in Europe, and the American troops are just entering this great battle, it does not become us here in the American Congress to long debate any measure that looks for the better equipment of our Army. What we want to do is to strengthen the American Military Establishment, not weaken it nor em-

barrass it by criticism. Let us lift the draft age to 40 years, so opportunity may be given to other men who are ambitious to serve. But let us not be unfair to the districts throughout the country, where, by reason of the large alien population, the enforcement of present law has stripped it of the American citizens and left the foreigners at home who claim and receive exemption from military service to grow rich on war profits.

The principle of the selective-draft law demands that all those in class 1 throughout the whole country be first taken. This is a national war. The army we are raising is a national army, and the Member of Congress who seeks to protect those in class 1 in his own district while seeking to force those in classes 2 and 3 in his neighbor's district or any adjoining State into military service is taking a very narrow view of our selective-draft law and of our part in this great war. He has by strict construction defeated the whole theory of the selective-draft law. "The word of the law killeth, but the spirit giveth life."

The selective-draft law is intended to accomplish two principal things:

The first is to make a scientific and most complete inventory of our man power, with a searching inquiry into the qualifications and the industrial and domestic circumstances of each man registered. With this at hand, the second is to make a scientific classification of their relative availability for military service and for all the war-time activities of the Nation.

This has been accomplished, and if we but permit the law to be administered in the spirit in which we enacted it, the result will be the complete mobilization of the Nation for the war. This purpose is thus announced by the Provost Marshal General in his annual report, in which he says:

It can be announced now as the policy and belief of this office that in all probability it will be possible to fill our military needs without ever invading any class more deferred than class 1, and this is the promise, the standard, and the goal, here for the first time announced, toward which every administrative effort of this office shall be directed.

It is, therefore, more than ever incumbent upon this Congress to sustain the War Department in this great war. We shall undoubtedly be compelled to raise the draft age to probably 40 years or possibly 45. This will more than treble, in all probability, the number of men available for class 1. In fact, the large army that volunteered to go with Col. Roosevelt, who were all above the draft age, voiced the desire of men over 30 who wished to enter the military service in defense of our country.

But this increase in the number of selective draftees in class 1 will only make more imperative the adoption of the amendment here pending changing the basis of selectives from "population" to "registrants" in class 1.

Gentlemen of the House, the reports that come to us from the battle field of Picardy indicate the eagerness with which the Americans are entering the first baptismal fire in the great battle for freedom.

The meager information that passes the censor's pencil tells us that the German assaults against the American columns have been uniformly and without exception broken, driven back, and defeated. Even in the face of superior numbers, American troops have won signal honor. Veterans of the French and English Armies, both officers and men, stand in their presence acclaiming them men of great bravery and soldiers of the greatest skill and valor.

Those high in authority in Europe have given to our soldiers unstinted praise and honor and speak of them only in terms of highest admiration.

Let us therefore stand behind our American soldiers and support them with unflinching loyalty, believing, as we all do, that by the bravery of the American troops the battle of freedom will be won on the battle field of Europe.

We have organized in the United States for the purpose of fighting this war not only by man power but industrially and in every other way. When they first drew the men under the law they drew 687,000 men. They started out in a blind scheme of drawing them by lot. But it was soon discovered that that would not work out equitably, so in October last they devised a scheme known as the "questionnaire," by which they ascertained from every man available of military age in the 9,500,000 that had registered on the 5th of June all the conditions that surround him. And then they have started out to build a National Army, but we are confronted with this serious defect in the draft law. It has been established by its operations that in some communities when the draft calls for the number of men to be furnished under the quota on the basis of population, that it has stripped the communities of native Americans, because of the large foreign population that reside therein. Of course, we are all here to legislate for the country as a whole, we are fighting the war as a national war, but each one of us

must apply the laws we are considering to the facts that arise in our own districts, because we are familiar with the situation there.

Applying this selective-draft law to the twenty-second district of Pennsylvania, which I represent, I want to call your attention to how inequitable, unjust, and burdensome this draft law has worked out. In the county of Westmoreland, the largest of the two counties I represent, may I in conclusion recapitulate, there was a registration on the 5th of June of 26,940 men. But it was discovered under that registration that there are embraced 9,666 men who were aliens, and who were not compelled to render military service under the draft law to the Government of the United States. So that left 17,274 men to answer a quota based on a population, or based on a registration of 26,940 men. There are eight registration districts in that county, and the practical application of this law has been that it has actually entirely stripped class 1 in some of these districts. As we have learned in the course of this debate, class 1 embraces the men who have no ties to retain them at home, either socially or industrially.

Take Butler County, the other county of my district, and we have a condition just as accentuated and emphatically calling for relief. There were 7,036 registered, 1,139 aliens not compelled to render military service, leaving 5,937 from which we must furnish a quota based on 7,036. Now, gentlemen, this amendment proposes to remedy that inequality, that unjust burden placed on certain communities. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GORDON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I shall vote for this bill whether the Shallenberger amendment prevails or not, though I think it ought to be adopted. I have never refused my vote to any war measure simply because it did not accord with my individual views, and I shall not now.

There has been much misrepresentation of the issue now involved. It is not a question of whether the Government shall be furnished the men which it needs. We decided that long ago, and the men will be furnished. It is simply a question of how the draft act shall be changed to make it more equitable. Everyone agrees that it should be changed, and that is the sole purpose of the bill before the House. I voted for the original conscription bill and urged its passage on this floor. The bill contains certain inequities in it which afterwards developed in its application, some of which have been mentioned by the gentleman preceding me [Mr. ROBERTS]. The majority of the committee say that they have brought in a bill to correct the unfair apportionment of the draft made in the original bill, but when shown that their own bill unfairly apportions the men drawn among the different counties, they take the position that no district ought to complain.

Mr. Speaker, at the time of the passage of the original bill for the selective draft, some Members thought it would not be accepted by the country; but I believed then, and believe now, in the patriotism of the masses of the people. They are ready to do anything that is necessary to bring the war to a successful conclusion, but they want the burdens of the war distributed as equally as can reasonably be done. The original bill undertook to do this, but we have found that in some parts of the country where there are large numbers of aliens who were not subject to the draft it was not fair to apportion it in accordance with the total population. Hence, I favor that portion of the bill before the House which seeks to correct this injustice, but I do not favor permitting another injustice in order to remedy the faults of the original bill. The astonishing statement is now made and has several times been repeated on this floor, that it makes no difference if one community is required to furnish more men than its share, and that we ought not to concern ourselves about a matter of that kind.

Mr. Speaker, if any Members should rise in this House and advocate that in the apportionment of taxes required to carry on the war it made no difference whether one man or any one community or State paid more than its share, we would be somewhat inclined to question his sanity. Such a proposition would be considered too preposterous for consideration. To my mind it is, if anything, more unreasonable that where the lives of our citizens are concerned that we should not consider whether the counties and States are going to do more or less than their share. Great hardships are unavoidably inflicted in many instances by the draft; but can we justify ourselves in bringing them about when by an unfair apportionment some person who has not the slightest excuse is relieved from going at all? In fact, Mr. Speaker, I do not complain so much about the burden which will be added in my own community or the district or the State which I have the honor to represent. My town, my district, and

my State is always ready to do all and more than its duty. It has led in enlistments and has not only furnished its share of men, but more than its quota, and has always oversubscribed for liberty bonds. Naturally I resent the imputation of want of patriotism which has been thrown out by some of the speakers who have preceded me with reference to those who favor the Shallenberger amendment, which nobody has denied or can deny presents a perfectly fair and just apportionment, namely, to base the draft upon the number of men eligible to military service; and I notice that some of those who have been so insistent that this bill should not be changed in word or letter represent States or communities which would be largely exempted from the draft by virtue of its provisions. I have not time to give figures in this respect, but they have or will be given before the debate is concluded and will show that some of the States have only placed about 20 per cent in the first class, while others have gone as high as 35 and 40 per cent. Yet it is proposed by this bill to make the numbers taken depend upon this classification and thus permit those communities with the lower per cent to shirk their duty. The citizens of my State are quite willing to perform their own duty, but they are unwilling that others should be permitted to evade it. The bill as it stands encourages the slacker who is trying upon one excuse and another to escape the draft.

Mr. Speaker, at the opening of this war we had several companies of the Guard in my district which young men joined. Many could not wait even for that to go, but enlisted with the Regulars which went with Pershing. The Guard regiment which they joined followed closely after the Regulars and all are now fighting on the battle front. There they have gloriously maintained the traditions of this Nation and some 10 or 12 have already been decorated by the French Government for gallantry, among them Lieut. Col. Tinley from my own city. Numbers of them have already sealed with their blood the covenant they made to protect this country and the glory and honor of its flag; and now gentlemen stand here and say that no credit ought to be given for their enlistment; that it should not be taken into account in making up the quota for their county, their district, or their State. They urge, in fact, that communities which have made up their classifications in such a way as only to put 20 per cent into class 1, should be permitted to escape their duty, but others who have a classification with as high as 40 per cent in class 1 shall furnish men accordingly. It needs no argument to show the injustice of requiring one community to send 40 per cent of its men who are subject to military service and requiring only 20 per cent from another, the two communities being, perhaps, side by side.

Mr. Speaker, the Shallenberger amendment not only avoids the inequalities which were created by the original bill, but avoids those which are created by the bill now before the House. It bases the apportionment on the number of men subject to military duty and gives credit for enlistments either in the Regulars or Guard. It is as fair and just an apportionment as it is possible for us to make. We can not entirely avoid inequalities, some will always exist, but it is our duty to avoid them as far as we can and not interfere with our military success. I have always been for the highest efficiency and would sacrifice any man or community to efficiency and the success of our arms. Efficiency ought to be the motto of our military preparations, but you will not gain in efficiency by the bill as it stands over the provisions of the Shallenberger amendment.

The bill as it stands will not add one man to the force over what would be provided by the amendment. The same number of men will go; there will be the same number at the front. If the bill stands in its present form, the gallant men who have been first in the fight, first to lead the charge, first in honors, will be told that their communities will receive no benefit from their action in the apportionment of future drafts.

I make no attack upon the local officials. They had a difficult task to perform without any definite directions from Washington. Naturally, the different boards took different views with reference to the claims for deferred classification. There were in some States a few unworthy officials who abused the trust which was imposed in them; but, whether it was done by mistake, ignorance, or willfulness, we ought not to let these variations in the classifications control, but should equalize them so far as possible.

I do not care so much about that part of the amendment which fixes the basis of the draft. There may be something in the contention of gentlemen that inequalities in the basis proposed by the bill will, to some extent, be rectified by the boards which pass on each case, but I insist that in fairness and justice credit should be given for those who enlisted, and that States whose citizens held back until they were summoned should not profit thereby. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, it seems to me that this question resolves itself into a question of whether we are going to try to adopt a theory or take advantage of experience and adopt that kind of a measure that experience has taught us is the thing that we ought to have. We have had a draft law in operation under which about three-quarters of a million men have been drawn into our Army. The men who have had the administration of this law have had more experience in detail than all of the Members of this House combined, and the men attached to the Provost Marshal General's office are unanimous in the indorsement of the suggestion as set out in this resolution. Before the Provost Marshal General suggested it to the Secretary of War, and before it got the indorsement of the President of the United States, a poll was taken of all of the local boards in the United States, and this is the result of the consensus of opinion of the men who have actually had to do with the operation of this draft. It seems strange to me that the membership of this House, which is thoroughly American, and in which there is not a single man who is not prepared to do everything he can to promote this war, will vote millions of money practically without discussion, pass bills relative to the future of our country, pass any kind of law controlling our industries, and the men who work in them simply on the belief that it will help our boys win, but when it comes to the question of who shall take a gun and go away and fight for the country we find a great number of the Members of this House standing up and saying that the boys in his locality shall not go before those in some one else's State go.

This is an American fight, and every man must do his share, whether somebody else goes or not. The question is, How are you to do it—in a practical way or are you going to do it in a theoretical way? I believe we ought to take advantage of the experience of the men who have been administering this law and iron out the kinks that have been in their way. They tell us that by the passage of this resolution they will be able to more evenly and justly administer the law that we have placed in their hands. Understand, this war is not going to be over in a day or two, nor in a week or two, nor in a month or two, nor in a year or two. We have in our Army 1,640,000 men today fully armed, ready to go away. We have in our Navy over 300,000; practically 2,000,000 men bearing arms for our country. That is only a drop in the bucket that we are to pour out for democracy's salvation. This war is going to last, it is going to take billions of money and millions of men, and the point is, Are we going to stick to theory or learn from experience? If we are to close our eyes, then we must be prepared for the war to last longer than the time that I have suggested. I say to you in all sincerity of purpose, I believe that by the change of law, as here suggested, it will work with greater equality and with greater justice to the South than the present law does, and it will work with greater equality and greater justice to the North than the present law does. I therefore am heartily in favor of the resolution without amendment.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the House and the country are to be congratulated in that both the majority plan and the minority plan which come from the Committee on Military Affairs will enable us to eliminate from our calculation the alien element which was under the original law included in determining quotas and which hence was responsible for so much inequality during the last year. My inquiry mentally has been which of the two plans was the better. I think the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] has one advantage in that it rests upon mathematics and not upon human discretion, with the inevitable possibility of error and frailty. On the other hand, I think that the committee proposal has the advantage, which has been brought out several times and very clearly a few moments ago by my colleague [Mr. PHELAN], that it insures that all the most available men are taken before the class containing less available men is invaded at all. That, to my mind, is the controlling consideration and the one which has determined me—

Mr. GORDON. Will the gentleman yield?

Mr. ROGERS. I can not yield—to support the contention of the majority of the committee. I wish those who are following me would turn to page 5385 of the Record, which appeared this morning, where I printed a table which was furnished some Members of the House by the Provost Marshal General. This shows the number of men by States who have been classified into all classes, the number of men classified into class 1, and, finally, the percentage of men in class 1 as compared with those in all classes.

Mr. WINGO. Will the gentleman yield?

Mr. ROGERS. I am sorry, but I have not the time. I desire to make my point, and must proceed. Gentlemen have suggested that there would be a very wide disparity, a very wide probability of error among the several States, because of the different views which members of the local boards would take of the type of men who should be put in class 1. That may be true as between individual districts, but I think the table very clearly establishes that it is not true as between States. The general average for the United States, as the figures show, of men in class 1 as compared with men in all classes is 27.71 per cent. I have made an analysis of the percentages which go to make up that 27 or 28 per cent. I find that 7 States have exactly the correct percentage; that 15 States have within 1 per cent of the percentage shown as normal for the United States; that 26 States are within 2 per cent of the United States mean; that 34 are within 3 per cent; 38 within 4 per cent; and 41 within 5 per cent of the mean of the United States. That indicates that there are only seven States in the Union which are more than 5 per cent away from the normal for the entire United States. Of those seven, three are below the normal and four are above. The gentleman from Iowa [Mr. HULL] said in the course of his remarks yesterday that the reason for the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], as he sees it, is that the States in the East made in a deferred class a larger proportion for industrial reasons than the States in other parts of the country. Here is his exact language:

The East took the Army contracts, and they filled their munition factories with their young men, and they want to pass this law in order to exempt them. That is the real truth of the matter.

The facts as developed by this table show the contrary—that the three States which are more than 5 per cent below the mean of the United States are Arizona, Utah, and California, which would, I think, not be regarded as industrial States, and would certainly not be regarded as Eastern States. The States which are above 5 per cent in excess of the mean are Florida, Louisiana, South Dakota, and Wyoming, with a total registration of less than 3 per cent of the registration of the entire United States. Now, of course, we can not—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS. May I have two minutes more?

Mr. FIELDS. I yield two minutes additional to the gentleman.

Mr. ROGERS. I thank the gentleman. Of course, we can not assert with confidence that there will be no trace of disparity between the several States of the Union; but when we find that 41 out of the 48 States, large and small, East and West, are within five per cent of the normal, it indicates that there was a remarkably close approximation throughout the United States of identical action by the draft boards. When we develop the further facts that those appreciably below the average are all agricultural and Western or Southern States, and that those far above the average are also, in general, agricultural States, it would seem perfectly clear that the distinctions which have been made are neither fundamental or sufficient to justify the charge that in different States there was any appreciable unfairness on the part of the several draft boards. All States are, of course, not exactly alike. There is an infinite difference of conditions and situations among them. As the gentleman from Nebraska [Mr. SHALLENBERGER] said in reply to a question from me yesterday, there is machinery for correcting errors. If the draft board in an individual case has been dishonest or has been erroneous, there is a provision in the law for correcting it. I agree, if this proposal of the committee is adopted, that these decisions of the draft boards should be very carefully scrutinized to eliminate any improprieties which may creep in.

I rose to make clear what a remarkable degree of uniformity has been attained by the thousands of draft boards, acting independently, in classifying into class 1. The figures I have cited indicate remarkable efficiency in applying the regulations of the Provost Marshal General, and I think answer the contention that the discretion left to the draft boards will be abused by them.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. STEPHENS].

Mr. STEPHENS of Mississippi. Mr. Speaker, whether the bill is amended or not, the number of men to be taken for military duty remains the same. The only difference between the two plans is in the order in which men will be taken for service.

There is disagreement as to which is the better plan, as there have been varying opinions on many other policies; but there is no conflict of opinion—we are all of one mind—on one subject: That as a Nation we have one, and only one, business now—to win the war.

Citizens all over the country have disagreed upon war questions; some have criticized because the United States became a party to the war; some have held to one opinion on governmental policies and some to another opinion; but now everyone who loves life and liberty and home realizes that each one must do his part to preserve those things.

This is the most serious hour that the Nation ever faced. The very existence of the Nation is at stake. The time for earnest, active effort is here.

It is useless to waste time bemoaning the fact that we are at war. Expressions of regret will not win battles. Surely all of us would prefer peace to war, but we must face conditions. As a great man once said:

There is no use arguing with the inevitable; the only argument with the east wind is to put on your overcoat.

So we must meet the inevitable. The war is a solemn, living fact. No matter what opinion a man may hold as to the rightfulness of our entry into the war, certainly each one believes now that he owes it to himself, his family, and his country to do everything in his power to bring the war to a successful conclusion.

There can be, there is, no difference of opinion among Americans about the safety of America. There have been, and perhaps will continue to be, differences about what is best, in many instances, to do; but on the one great question of protecting ourselves we are all agreed.

That our Nation shall not be destroyed; that our institutions shall not be overthrown; that what we reverence and revere shall not be trampled upon and desecrated; that violent and unclean hands shall not be laid upon our mothers and sisters and daughters, is a determination fixed in the heart and mind of every citizen of the United States.

We have been made to shudder with horror and revolt at the German Army killing, burning, ravaging, respecting nothing, defiling all that it touched; at the German soldier becoming less the semblance of a man than the personification of a wild animal—ferocious, murderous, thirsting for blood, grinning for delight at his victims' helplessness.

Mr. Speaker, that an army of this kind should conquer us and visit upon our own people such horrible and barbarous treatment is unthinkable; and I feel sure that the people of the Nation will see to it that it does not come. Those that do not fight in the Army will give of time and money and effort that will aid those on the battle line.

But, back to the amendment. I said that it will affect somewhat the order in which men will be called for service. The gentleman from California [Mr. KAHN] opposes it. It happens that his State has a smaller percentage in class 1 than any other State in the Union. I merely call attention to that. Of course, I know that the gentleman was not influenced in the slightest by that fact.

Mr. KAHN. Mr. Speaker, will the gentleman permit an interruption?

Mr. STEPHENS of Mississippi. Yes.

Mr. KAHN. I want to say candidly to the gentleman that I never saw that table until about two days ago, and therefore it did not in any way actuate me. About two days ago I saw that table for the first time.

Mr. STEPHENS of Mississippi. I had already said to my friend that I felt sure that it did not influence him. But I called attention to that in order to say that it is not right for any discrimination to be shown between the States.

Every State, every community, every citizen is equally interested in this matter; and I trust that no one will fail to do his whole duty in this trying time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, if we were considering this matter from the standpoint that each State should be called upon to send only its proportionate number to the trenches, I would be in favor of this amendment. But, Mr. Speaker, that is not the question that ought to impel us in legislation of this character. It is now nearly a year ago since I said upon this floor that in all war legislation there should be but one motive, and that motive was to so legislate as to win this war in the

shortest possible time. [Applause.] And having that motive in mind I must support the recommendation of the majority of the committee, so far as quota is concerned.

It is not primarily a question of who shall go to the trenches. It is primarily a question of using the men and the resources of this Government to the very best possible advantage in winning this war. [Applause.]

Now, the statement has been made that the man who works in the shipyards, the man who is working in industrial enterprises necessary to carry on the war, is not engaged in an equal service with the man who is in the trenches. He is not, so far as any credit to him is concerned; but he is, so far as the winning of this war is concerned.

And what is the position of those who now offer this amendment? We take a district where a majority of those registered may be in a deferred classification because they are engaged in shipbuilding, without which we can not win the war. If this amendment be adopted, in that district we will have, after class 1 is exhausted in that district, to take the men from the building of ships and put them in the trenches. That is not the theory of the selective draft. The very theory of the selective draft is to take those men who can best be spared and utilize the others in the best possible way at home for the winning of the war.

And then there is another thing that we ought to remember. This is not a war of a combination of States. This is a war of a Nation, and it is going to require all of the resources and all of the men to win this war. A year ago we did not realize that as we do to-day. If it were a question of furnishing some men and some resources, then the amendment would be very proper. But we should realize to-day that the very future of this Republic is imperiled this very hour. And when that is true we have no right to make as a primary consideration the balancing and the leveling of the different States of the Union. We ought to consider only the utilizing of all our resources, all of our men, to win this great war in which we are now engaged. And looking at it from that standpoint, I can do nothing other than support the majority of the committee upon that proposition. [Applause.]

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Speaker, I shall support the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], and if that amendment is divided I shall support both divisions of the amendment.

I shall do it because I believe his amendment is in harmony with the spirit and the intent of the selective-draft law, for which I voted when it was passed.

I vote for this amendment because it is just and right, and because I further believe that the method of calling men into the service proposed in the Senate resolution reported by the committee is susceptible of grave errors and abuses. Already it has been brought to light during this debate and in information furnished by the public press of the country that some local and district boards have placed a much larger proportion of registrants in class 1 than have some other local boards and district boards.

Gentlemen of the House, I do not believe that we can justify the provisions of this bill as it now stands except upon one basis, and that is to assume that the local boards and the district boards have observed uniformity in the classification of registrants, and that throughout the several States of the Union men who are within the draft age have been dealt with in substantially the same manner.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLACK. I am sorry that I can not, on account of the brief time that I have. To my way of thinking, it is too violent an assumption for us to indulge to say that there has been that uniformity which ought to exist in so important a matter as this, if we are to follow the method proposed in the pending bill for calling these men into service. Now, what does the Senate joint resolution now under consideration provide? It provides that when the War Department, under the provisions of the selective draft law, calls out a particular class of registrants it shall call them, not in proportion to the men registered who are liable for military duty, but in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia. This method would entirely change that which was provided in the original draft law and would make it entirely possible for one State to be called upon to bear much more

than its share of the military burdens of the Nation. Now, what does the amendment of the gentleman from Nebraska propose to do? It says that when a State's quota is called for it shall furnish its men in proportion, not to the population nor in proportion to the number of men in any particular class, but in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

Is that just? Is that fair? I think so. I do not see how any possible objection can be found to it. We are all anxious and determined to provide the necessary machinery needed in raising the great army to prosecute to a successful conclusion the war in which we are now engaged. The question is: What shall be the method used in calling out the men? Gentlemen, if it were true that the man who is at work in the munition factory, that the man who is at work in the shipyard, that the man who is at work on the farm at higher wages than he ever received before in his life was rendering as great a service to his country as the man who bares his breast to the whirling bullets and the onrushing bayonets, then you might justify this bill. But I do not subscribe to that kind of talk. The very most that you and I do—that the man on the farm, in the shipyard, in the munition factory does—will be very small in comparison to what our brave soldiers are doing at the battle front in this great fight for liberty and justice, virtue and truth, and the democracy of the world. Oh, to be sure these noncombatant branches of the service are essential, and I do not decry or minimize their importance, but the real sacrifice, the one that tries men's souls, is that which sends them to the dreadful, bloody orgy of battle to fight for our country and the honor of its stainless flag. By the side of that kind of service all other sinks to negligible notice.

Some gentlemen have said during this debate that this is a war of the Nation, and there is nothing sectional in it. Notably the gentleman from California, Mr. KAHN, endeavored to make much out of that line of argument, as if anybody here was disputing it. Of course it is a war of the Nation, and the Nation has never been so united in all of its history than it is to-day. Shoulder to shoulder and man to man, the sovereign States of the American Union have rallied behind our Commander in Chief, President Wilson, to carry on this war until a sane and just peace can be secured and men can return to their civil occupations unmolested by the haunting fear of militarism and its hideous instrumentalities—the fire and the sword.

Yes, gentlemen, we agree with you that this is the war of the whole Nation, and all that we ask—the only purpose we have in mind who support this amendment—is that the blood and the sacrifice which must be laid on the altar of service to win the conflict shall be shared equally by the several States. Perhaps it will be so, even if the resolution is enacted in its present form, but in my opinion it would be more certain of accomplishment if the amendment of the gentleman from Nebraska were adopted. That, gentlemen, is the reason why I shall support the amendment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to my colleague from Kentucky [Mr. BARKLEY].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for five minutes.

Mr. BARKLEY. Mr. Speaker, I have been laboring under some confusion, which I have sought to eliminate by consultation with various members of the Committee on Military Affairs, about the effect of the latter portion of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], providing for credits to be given for those who entered the service since April 1, 1917. Under the original selective-draft act it was provided that credit should be given for all those who were in the National Guard on April 1, and for those who might enter the service thereafter, either in the National Guard or in the Regular Army. Under the operation of the first selective draft credit has already been given to those. In the raising of the Army already in the cantonments credit has been given for all those who were in the National Guard on April 1, 1917, and all those who volunteered thereafter, either in the Regular Army or the National Guard, up until the time the first draft was completed. Now, it is perfectly apparent to me that credit ought not to be given twice for these same men. I have no serious objection to giving credit for men who have volunteered or who have enlisted or who have entered the service in any way since the first draft was completed; but under the language of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] credit is given for all those who have entered the service since the 1st day of April, 1917, and, according to my interpretation of the

act, it is bound to result in a duplication of credit given to the various States and districts for men who have entered the service since then.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SHALLENBERGER. The language I used is the exact language of the present act. Does the gentleman mean to say that if we do not repeal this act they would keep on giving credit for those who volunteered for whom credit was given in the last quota?

Mr. BARKLEY. No; I do not.

Mr. SHALLENBERGER. I submitted this language to the Provost Marshal General himself, Gen. Crowder, and he said it was perfectly practicable under the language just as I have got it.

Mr. BARKLEY. But this is not an amendment to the original act. This is a new bill to provide for future drafts.

Mr. SHALLENBERGER. It is the exact language of the present law in the respect to which the gentleman refers.

Mr. BARKLEY. The fact that it is the exact language of the present law does not prevent a duplication of credit for those who volunteered up to the 1st of April, and under the effect of the language, I think, that credit would have to be given for every man who had entered the service, whether he was a volunteer or whether he was drafted; and if this amendment of the gentleman from Nebraska is adopted it ought to be amended so as to provide that credit shall not be given in the future for men for whom credit has already been given in the first draft under the selective-draft law. I have consulted members of the Committee on Military Affairs, and they attempt to explain this on the ground that the War Department is working out a system of bookkeeping by which they will preserve a record of all volunteers who have entered the service since April 1, and that in providing for the second draft under this amended bill they will give a sort of gross credit. I believe they call it. They take into consideration all the men registered and deduct from that the men who have been enlisted in the Army or who have been drafted in the Army, and thereby bring about a net result by which they arrive at the number they want to bring into the Army under the second draft, but it strikes me that there ought not to be any confusion at all about it, and I am afraid that whereas that may be the practice of the War Department now, it is purely voluntary on their part, and they may change it at any time, so as to go back and make it possible for some county which had volunteers enough in the beginning to equal its quota to receive credit for that number of volunteers in every subsequent draft, which might result in preventing that county from ever adding any more men to the Army, since its original volunteer list was as large as the original quota, or as the quota of the county under the amended bill.

Mr. HARDY. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HARDY. If I understand this bill introduced by the committee, it simply means that, regardless of what has been contributed heretofore by a community, its future contribution shall be determined by the number remaining in class 1.

Mr. BARKLEY. That is my understanding of the bill.

Mr. HARDY. There is no question of credit in the bill at all.

Mr. BARKLEY. No; I am speaking of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], which provides that the quota shall be based on all those registered and liable for service, and that credit shall be given for every man who has entered the service since April 1, 1917.

Mr. HARDY. It could be remedied by providing that there should be no duplication.

Mr. BARKLEY. I have prepared an amendment, which I shall offer unless it is demonstrated to my satisfaction that this duplication which I fear can not result.

Mr. SHALLENBERGER. I yield three minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. The gentleman from Kentucky [Mr. BARKLEY] is talking about a theory. I know the facts. I have been to the office of the Provost Marshal General, and I have been to the statistical division of the War Department, to find out about this very question. At one time I was under the same impression as the gentleman from Kentucky, that it was possible to give duplicate credits. But after inquiry I find that this is the way in which credits are given. In the last draft the Provost Marshal General combined the number of men to be drafted, with the number of men who had volunteered, which made the gross quota for the entire country. He then allocated to each district its gross quota, and each district was given credit for the number of men already in the service, leaving the net quota which had to be produced. We have to-day

about a million and a half men in the service. If we were going to draft 500,000 more that would make a gross quota of 2,000,000 men. That gross quota will be distributed in the same way. Now, in the allocation of the quota to each district, either according to the plan proposed by the majority of the committee or by the gentleman from Nebraska [Mr. SHALLENBERGER], credit will be given for the men already in the service, leaving a net quota for each district. Later there will be another draft. Now, suppose there were 2,000,000 men in the service, and we want to get 500,000 more men. That gives a gross quota of two and a half million men. Credit will still be given to each district for all the men enlisted since the beginning of the war. The amendment prepared by the gentleman from Nebraska [Mr. SHALLENBERGER] conforms exactly with the practice and the procedure of the War Department, and they could not do differently if they wanted to. To adopt his amendment is liable to lead to something that I am sure the gentleman from Kentucky [Mr. BARKLEY] himself does not want.

Mr. BARKLEY. What is the sense in adding to the number desired those who are already in the service, and then immediately subtracting them from the number desired, when it makes it necessary to go through a lot of bookkeeping in order to arrive at the very same result that might be arrived at by beginning from the bottom and taking the drafted men liable to serve?

Mr. HAYDEN. There is only one way to do it, and that is to make up the gross quota, consisting of the men in the service and the men to be drafted, each time that a new draft is called. Then give credit to each district for the number of men already in the service. In the enlisted division of The Adjutant General's Office, a branch of which is located in the old Census Building, near the Driscoll Hotel, they are now preparing a list of the credits due to each State, which will be completed within the next three days. This list will show how many men have been brought into the service by voluntary enlistment up to March 31 and where each man came from. They keep that data up to date, because each recruiting office reports every 10 days on the number of men who have enlisted. Now, I am sure that neither The Adjutant General nor the Provost Marshal General desire any other amendment to the existing law, because that would mean some change in the procedure. They are successfully administering the law as it is written, and the Shallenberger amendment does not change the method in the least.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. The first draft was based on population. If this bill passes it will be based on registration, and if you take into consideration the men already in the service under the draft you have a mixed basis for quota by bringing in men on the population basis instead of registration.

Mr. HAYDEN. The same number of men are in the service and each State gets credit in the same way. Furthermore, Gen. Crowder has testified that the last apportionment of draft quotas was not based upon population at all, but upon the registration.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. Does the gentleman mean to tell the House that the Census Bureau wanted this amendment?

Mr. HAYDEN. The gentleman from California misunderstood what I said. I mentioned the fact that a branch of The Adjutant General's office is located in a building formerly occupied by the Census Bureau. I did say that the Provost Marshal General wants no change in the method of apportioning credits.

Mr. KAHN. Does the gentleman mean to say that the Provost Marshal General's office wants the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. HAYDEN. No. The Provost Marshal General's office said that it was perfectly feasible to give credit for voluntary enlistments in the future as they have in the past, and if credit is given they want it given in the same manner as provided by the present law, which the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] does. The Provost Marshal General's office would be glad to do away with the allocation of credits for voluntary enlistments, but all of the work is actually done by a branch of The Adjutant General's office, so that I do not see how the Provost Marshal General has any real interest in the matter.

Mr. BARKLEY. Mr. Speaker, I desire to send my amendment to the Chair to have it read for the information of the House.

The SPEAKER pro tempore (Mr. NICHOLS of South Carolina). That can not be done, except by unanimous consent.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it be read for information.

Mr. SAUNDERS of Virginia. Mr. Speaker, it might be well to add that the time taken to read it shall not be taken out of the time for general debate.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the amendment of the gentleman from Kentucky be read for information, and the gentleman from Virginia asks unanimous consent that the time be not taken out of that for general debate.

Mr. STAFFORD. A parliamentary inquiry. Is the amendment reported for the consideration of the House?

The SPEAKER pro tempore. The Chair understands it is being read for information.

Mr. STAFFORD. I understood the ruling of the Chair to be that the gentleman could not offer it.

The SPEAKER pro tempore. Not without unanimous consent.

Mr. STAFFORD. Why not?

The SPEAKER pro tempore. Because the gentleman did not have the floor for that purpose.

Mr. STAFFORD. Under the unanimous-consent agreement a Member can offer an amendment.

Mr. SAUNDERS of Virginia. Yes; but the time of the gentleman from Kentucky had expired.

Mr. BARKLEY. Mr. Speaker, that is all I want—to have it read for the information of the House.

Mr. SAUNDERS of Virginia. But the gentleman from Wisconsin said he could offer it.

The SPEAKER pro tempore. Is there objection to the request that the amendment be read for the information of the House. [After a pause.] The Chair hears none.

The Clerk read as follows:

At the end of the amendment add the following:

"Provided further, That no such credit shall be given to such State, Territory, or subdivision thereof for any men who have been already so accredited to such State, Territory, District, or subdivision, as provided under the provisions of the act of May 18, 1917."

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I shall support the amendment of my colleague for the reason that I believe we are not keeping good faith with the communities, counties, and States if we do not support that amendment or its equivalent. I shall vote for the resolution whether it shall be amended or not. No executive officer of this Government will have any excuse to offer for lack of action on the part of Congress or to cover his errors from any act of mine. We must have effective fighting done and soon.

I was very much interested in the trend of the arguments in support of this resolution, and opposed to the Shallenberger amendment, by the gentleman from California [Mr. KAHN] and the gentleman from Vermont [Mr. GREENE]. I note the peculiar ring they give. Each speaks from the great national standpoint. One would think the arguments were made in favor of another and different way of raising the American Army. They talk now like those who opposed the draft last spring. Perhaps I might be expected to say I was glad that they had come back to the other system, but I will not. The enactment of a law in these times makes your choice my choice, and I want to defend rather than criticize the deliberate determinations of this Congress.

We adopted a system in America and there ought to have been stability enough in this Congress to stay by it for at least one year. The passage of this resolution unamended takes Congress out of the army-raising and hands it over to the executive department. We adopted the selective draft nine months ago. The reasons given by its supporters were they did not want to too greatly disturb the various communities in their social and industrial relations. They did not want a man to offer himself to his country, but wanted him to have the great distinction of having the Government select him. Therefore they said first the State, next the county, and sometimes running down into the precincts, but especially the county should be called upon to find out how many men there were to come from it as a fair share of the National Army draft. That has been true of every county in the United States, except where there were very large populations within the county. In such cases they were subdivided. They were drawn in that way. Each man was given a county number and assured that with his national number, which chance gave him, should fix his status. That number was to be his passport to the Government gratitude and favor. He in his order was the representative on the battle front of his county folks at home.

In each county a selective-draft board was formed of his own county neighbors.

A county quota was determined to be so many fighting men. First 5 per cent of them was called; then 15 per cent; next 40 per cent; afterwards 85 per cent; and finally 5 per cent, all in terms of and from the county. Then came the questionnaire, with the corps of legal aids for the registrants, all of and within the county. Every question of construction having reference to the county. Nay, more, every member of the local board solved every question of eligibility and exemption with reference to the county as a unit. Every registrant, reading in newspapers and listening to patriotic speeches, heard the selective-draft law extolled for its perfection. From how many tongues have we heard the ranking member of the Military Affairs Committee extolled for his efficient aid in securing the passage of the selective-draft law. It is perhaps fitting that the same member should in this proceeding give the law its coup de grace, because no one will seriously claim that the working under the present resolution will closely relate to the working of the present law.

I desire whatever this House and the Senate passes shall be the law of the land, and I desire to support it and give its merits as best I can to the people. But it is difficult after opposing a measure to go and heartily support it, and then before a year has passed see its original sponsors declare it all wrong and force a substitute in its place which will do a manifest injustice to a patriotic constituency.

I desire especially to favor that part of the Shallenberger amendment which gives, or ought to give, credit for voluntary enlistments from the counties. I trust it will prevail.

It was expected by every member of every draft board in the United States, by every young man who answered the questionnaire, that he was answering with reference to the existing law, with no prospect of repeal or important change, such as is here proposed. So that every man who answered the questionnaire and every member of the board acted upon it with reference to that condition.

I believe the local boards of the United States are loyal, honest, impartial. But each board acted differently, depending somewhat upon the sentiments of the community. It was not a question whether they were going to take the next quota from class 1. They agreed on that. The ordinary question arising was, Shall we encourage a large field in our county to be selected from or shall it be a restricted field? Every board, I venture to say, believed that all they would have to do would be to give so many men from their county, whether or not 10 or 90 per cent of their registrants were placed in class 1. That was what was before the boards and that is why we claim this is unjust, with no notice given by this Government or its officials that this remarkable change was to be made. We have a state of affairs that would result unjustly in many parts of nearly every State in the Union. I challenge most of you gentlemen to figure out just how it affects your States and counties before you pass on this by your vote. I accept the figures submitted by Gov. SHALLENBERGER as to Nebraska, taken from Gov. Neville, rather than those submitted on page 4998 of the RECORD.

This condition obtains in my own district. There are 11 counties, every one of them an agricultural county, with about the same percentage living in the towns and country in each one as of the others. The percentage of registrants in class 1 in Butler County is 20, while in Seward County, which adjoins it, the percentage is 98. These counties are very much alike in almost every essential particular. Ninety-eight per cent of all of the registrants in Seward, 74 per cent in Gage, and 80 per cent in Saunders are placed in class 1. Why? I am informed that there was very little encouragement to plead exemption. There was insistent urging not to plead exemption. And above all there was a patriotic spirit among the young men, all of which prompted many, regardless of their vocation, dependents, or circumstances, to waive exemption, so that very few were placed outside of class 1. Later a number did plead their exemption, but 722 out of a total of 1,287 were placed in class 1, with no exemption claimed and no appeal, so if every appeal was allowed and exemption judgment rendered Seward County would be furnishing 56 per cent, or 28 per cent more than it should. And that would go to make up the shortcomings of every slacker county in the United States under this resolution.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. May I have one minute more?

Mr. SHALLENBERGER. I grant the gentleman half a minute more.

Mr. SLOAN. I want to say this, that my district has 45 per cent of its registrants in this class 1, while the rest of the State has 30 per cent, and the United States has only 27 per cent.

Mr. GORDON. And the country at large 26 per cent.

Mr. SLOAN. In Nebraska there were registered for classification under the recent questionnaire 103,491 men; placed in class 1 and not appealed from, 27,351, or a percentage of 26.4. There were 6,330 appeals. If all these were left in class 1 the percentage would be 32.5 per cent.

For the fourth Nebraska district there were unappealed from 4,241 out of a total registered of 15,324, or 27.6 per cent. Including 2,715 appeals taken, there would be in class 1 6,956, or 45.6 per cent of total registered.

The average for the State outside of the fourth district was 30.2 per cent. This includes all placed in class 1, including the appeals. Outside the fourth district the percentage of men in class 1 not appealed from is 26.1 per cent.

	Number registered.	Class 1 unappealed.	Class 1 appealed.	Per cent appealed.	Per cent appealed and unappealed.
Butler.....	1,275	225	35	17.67	20.38
Fillmore.....	1,143	219	70	19.16	25.28
Gage.....	2,443	794	1,014	32.50	74.00
Hamilton.....	1,241	248	45	19.98	23.61
Jefferson.....	1,303	347	148	26.63	37.98
Polk.....	877	192	4	21.87	22.35
Saline.....	1,447	301	89	20.89	26.95
Saunders.....	1,697	657	655	38.71	79.90
Seward.....	1,287	722	540	56.09	98.05
Thayer.....	1,131	246	15	21.27	23.07
York.....	1,480	290	100	19.72	26.35
Total.....	15,324	4,241	2,715		

And men say that is not an injustice! If Seward, Gage, and Saunders County young men, married or single, on farm or in trade, had of their own volition been permitted to join the ranks there would be no injustice, but simply because these young men waived their exemption so as to be in a class of fighting men to meet any equitable demands that should be made upon their county, now, without warning to them or their board, they surged into class 1 not only to meet their county's share but to help make up the dodgers and slackers of every county in every State of the Union. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, as I look at this resolution its main purpose is to correct a mistake in the original draft act, a mistake which was the result mostly of oversight. When we were discussing the original draft act last May we did not realize what the effect would be of basing the draft wholly on population. The difficulty was, however, detected in the Senate, and the Senate made an effort to amend the bill along the lines somewhat of this resolution, but that amendment was lost in conference between the two Houses. It is obviously fairer to base a draft on the men eligible to serve than on the population, because the population in some places is much more largely ineligible to serve than in others. In some places there is a very large proportion of aliens in the population, and in some rural communities the young men have moved away to go into the cities or to go West, and there is therefore a very much larger proportion of women and children than in other communities, but the act as it stands bases the draft on population. It seems to me that no argument can be made with regard to the possibility that local boards are going to be unfair in classifying the men. In the first place, the classifications are all made for the present, and the local boards are composed of good men. They have had a pretty severe responsibility. The eyes of every community are on them. You can not presume that any community wants its men as a whole to avoid their fair share of the duty of defending our country. I do not believe that you can point to any community in your neighborhood where you would want to say that the sentiment of the people would uphold the local board in trying to exempt young men from doing their part in defending the country.

I think we must presume that the local boards have, as a rule, done their duty well, and we know they have, as the figures show, as pointed out by the gentleman from Massachusetts [Mr. ROGERS] in the table printed in the RECORD of April 11. The year's working of the law has shown that this oversight which we made when we first passed the act should be corrected, the War Department urges its correction, and now we have a resolution to correct it. The correction proposed is fair and just and should be made.

I was somewhat taken at first by the Shallenberger amendment, but the more I studied it the more I saw it would not do. The first part of the amendment I am strongly against. I should like to see credit given for the volunteering, as proposed

in the second part, but I do not think it is particularly important excepting as it applies to young men who volunteer when they are under 21. Most of that, however, has already gone by, and has been credited, and unless some better arguments are made than have so far been made I shall vote to stand by the resolution as recommended by the War Department.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HARDY. Can the gentleman reconcile with his sense of justice the idea that two counties side by side should furnish quotas, one of them at the ratio of 20 per cent and the other at the ratio of 40 per cent just because that was the way their classification of class 1 stood?

Mr. PLATT. One community might have twice as many women and children or twice as many aliens as the other.

Mr. HARDY. But I spoke of two counties standing side by side.

Mr. PLATT. And one might have a big city in it and the other might not.

Mr. HARDY. But the gentleman from Nebraska [Mr. SLOAN] gave an illustration of two counties.

Mr. PLATT. He did not tell what the character of people was in the two districts, and I should like to know.

Mr. SLOAN. I would say that they are practically the same, but I should like to look into the census figures.

Mr. PLATT. It is a possibility as to those two counties. If the local board of one of these counties has deliberately given a deferred classification to many more men than it should have so classified, it should be called to account and should be required to reclassify its men of draft age. There is provision for correcting such matters, but if you pass this amendment as it stands you defeat the very purpose of the selective draft. You base the draft on all the men of draft age with exception of a portion of the aliens, instead of basing it on those who are eligible for service. Now, Mr. Speaker, I have not looked up the census figures with regard to my own district, and I have no definite recollection of the proportion of aliens or others ineligible to serve. I hope we shall soon have treaties ratified that will provide for the service of the aliens from countries on our side in the great war. But the proposal of this resolution, as recommended by the War Department and the Committee on Military Affairs, is equitable and fair, and I shall vote against the Shallenberger amendment and in favor of the resolution as reported by the committee.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, I am opposed to the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] on the broad principle that it destroys the scientific character of the selective draft. The selective draft has certain great advantages over any other system that we have ever used in drawing an Army. A year's experience has more than justified the wisdom of those who proposed the selective draft. We are to-day gratified by hearing from every quarter, not from a few or a majority, but from every quarter of military information that the men who have responded to this country's service under the selective draft constitute in appearance, in the character of their training, in morale, in habits, in spirit, and in efficiency the finest body of troops that ever were marshaled for battle. [Applause.] Certain inequalities have appeared in the administration of the selective-draft law. A year of careful study on the part of those who had the administration of the law has resulted in the recommendation that the majority of the committee has presented for our adoption. It is proposed by the gentleman from Nebraska that we engraft upon it a change, and this is the change: That there shall be selected from one locality no more men to carry a musket than are selected from another locality. Now, that is absolutely wrong in principle. The selective draft means that we shall send to the battle field those who by reason of family connections, by reason of their utility or nonutility in industrial life can best afford to go, and it means that those who may be needed in their avocations can be retained for those. I was drawn very strongly to the selective draft from the outset on the principle that this would enable our country to become scientifically efficient in war. This, as has been said many times, is not simply a war of men on the battle field.

It is a war of nations organized to their fullest capacity and strength, and I for one firmly believe that the men who are digging coal in the coal mines, the men who are mining iron ore, the men who are working on battleships, the men who are working on merchant ships, the men who are working in munition factories, are soldiers of this country equally with those men who are on

the battle field, and there may be the utmost reason in the world why certain of those men should be retained to perform those various works. One thing I learned while in Europe, which I think I am justified in making public here, strengthens my conviction. I was informed by the intelligence department, by a very able man, it is not necessary now to state who, that while Germany has squatted upon nearly all the coal mines of Europe, nevertheless she is short of coal and is having great difficulty in furnishing Holland, Switzerland, and Sweden with that coal that is absolutely necessary for those countries to have and which Germany must furnish in order that she may in turn receive from those countries vital necessary munitions, and that her shortage of coal is due to the fact that she was unwise in taking from the coal mines her trained mine workers and putting them in the Army—

Mr. BLAND. Will the gentleman yield—

Mr. MILLER of Minnesota (continuing). Who ought to have been retained in large measure in the mines digging coal to make Germany efficient. I have only a moment or two, but I will yield to the gentleman.

Mr. BLAND. Does the gentleman understand that the coal miners of the bituminous field, if they are single and have no one dependent upon them, are not in class 1 classification?

Mr. MILLER of Minnesota. I can see that is a matter of administration—

Mr. BLAND. They are.

Mr. MILLER of Minnesota. I should think it were entirely proper and competent for the Provost Marshal General to put them in a distinct class, which will not be possible if the amendment of the gentleman from Nebraska is adopted. Therefore for the scientific administration of the selective draft I say, vote for the bill exactly as it is introduced by the committee. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield four and one-half minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I have heard a great deal here to-day about this war being a national war. That is a sentiment to which we all agree, and for that very reason I am in favor of the amendment of the gentleman from Nebraska to the pending resolution. If we want to make this war national, I for one am not only willing that my district do its part, but I am willing that the district of every other Member in this House shall be permitted to do its part. No part of the country ought to desire to do less than its share nor should it be permitted to do less than its share. A great deal of harm has already been done in this country by this preaching which has been made that we are going to exempt the workers in factories and the farmers, that we are going to exempt the miners, that we are going to exempt the men in the shipyards, and that we are going to exempt everybody who is of any account and performing any useful function, and only take those who are not properly articulated into the industrial or commercial or some other kind of useful life of this country. We must come to know that we may have to draft men in all lines of endeavor [applause], and it is a false theory to preach to the people of this country because some particular class happens to be engaged in a certain character of work that it is to be free from the draft. Mr. Speaker and gentlemen of the House, I am in favor of the amendment of the gentleman from Nebraska because it preserves the theory of universal service.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. I will.

Mr. SHERLEY. Why do you have any classification, then?

Mr. CONNALLY of Texas. I will state to you why—in order to determine the relative order in which they shall be called.

Mr. SHERLEY. If you are going to determine that in that way, why do not you stick to it after you have determined it?

Mr. CONNALLY of Texas. I will stick to it, and I will grant the gentleman's position might be correct if every board throughout the United States construed the rules and regulations in the same way and enforced them in the same way. [Applause.] But, Mr. Speaker and gentlemen of the House, you do not have to charge local boards with fraud, you do not have to charge them with corruption, in order to know they have applied the law in different ways. The tables of statistics submitted before you in the RECORD prove that. Your own experience, if you have gone back home and investigated local conditions, will prove that to your mind, because, my friends, any law must be administered by human beings, and whenever administered by human beings, naturally that administration will partake somewhat of the mental, temperamental, and other characteristics of the men who are enforcing it. I am not charging the local boards with corruption, but I am in favor of protecting the local board which does its duty and makes a fair classification

and the registrants who have been fairly and properly classified against the fraudulent or improper action of some other board in some other district which does not make a fair and just classification under these rules.

Now, I grant you that the old regulations which based it upon population are proven to be unfair in many particulars. Therefore I think they should be changed. But I can see no reason why it is not fairer to base the quota upon the theory propounded by the gentleman from Nebraska when you proportion it according to the entire number within the respective ages and liable for duty than to place it simply upon those who have been in many instances arbitrarily placed in class 1 while others similarly situated in civil life have been by some other board placed in deferred classes. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, the gentleman from Arizona [Mr. HAYDEN] complains because he fears that Arizona will be obliged to furnish too many men. The average percentage of men in class 1 is 27.71. The percentage from Arizona is 22. I do not see what he is kicking about. The gentleman from Nebraska [Mr. SHALLENBERGER] complains because he fears that Nebraska will furnish more men than the average State should furnish, and I find that Nebraska has only 26 per cent of its men in class 1.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman permit a question?

Mr. MADDEN. No; I have not the time.

Mr. SHALLENBERGER. That is not correct.

Mr. MADDEN. That is what the record shows. I refuse to yield.

Now, the inequity of the proposition submitted by the gentleman from Nebraska is that it will make matters worse, if that be possible, than they are to-day. Illinois has 28 per cent of its registered men in class 1. No complaint has come from Illinois, and no word of complaint, so far as I know, will come from that State.

Pass the bill reported by the majority of the Committee on Military Affairs and you will find this condition to exist in the future: There will be no man taken from any class below class 1 in any section of the United States until every man in class 1 from all sections of the United States is taken.

And so I find no reason why we should listen to these pacifists who here to-day are trying to embarrass the administration in its conduct of this great war by the introduction of an amendment by the gentleman from Nebraska. These men, most of them, at any rate, who are in favor of the amendment, who have advocated it and who have spoken for it, were opposed to the draft, and they have stood here on the floor of the House at all times since then and fought every movement calculated to vigorously prosecute the war. If you want the war prosecuted to a successful conclusion, adopt the bill as proposed by the majority of the committee and you will have some hope of success. [Applause.]

The SPEAKER pro tempore (Mr. HARRISON of Virginia). The time of the gentleman from Illinois has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, some words have been spoken here about the change of sentiment on the part of gentlemen who favored the selective-draft law and who now propose to make some changes in that law. The fact of the matter is that those gentlemen who favored the selective-draft law and who have seen the inequalities under that law that ought to be corrected are trying in this law to mend their fault of yesterday by the wisdom of to-day. The people who are opposing the proposition, with one exception, never were for the selective-draft law. The members of the committee who signed the minority report, except the gentleman from Virginia [Mr. HARRISON], opposed the selective-draft law; they opposed in every way they could the selective-draft law. They were for the volunteer system; and I was rather surprised yesterday at the remark of my friend from Nebraska on the committee, Judge SHALLENBERGER, when he said that the selective-draft law "must be held inviolate." He has at least arrived at the point of admitting that the selective-draft-law "must be held inviolate." But about this proposition of the credit for volunteers: Every district in this country will get credit for those who have volunteered. They will not get direct credit, but indirect credit, and in this way:

Most of the men who have volunteered have been inducted into the service. They are of the draft class; they are class 1 men. They would be put in class 1 in their respective districts; but having volunteered their names are not in class 1. Therefore class 1 in their respective districts will contain fewer names than if they had been certified in that class. Indirectly the district will get credit for the man who is already in the service under his voluntary enlistment.

Mr. BARKLEY. In other words, the deferred classifications are that much larger by reason of his volunteering?

Mr. KAHN. Exactly; and class 1 in his district is not as large as it would have been if he had not volunteered.

Mr. BARKLEY. And other classes are larger?

Mr. KAHN. Yes; and therefore the district indirectly gets the credit for his volunteering.

Now, about the district that my friend from Nebraska [Mr. SLOAN] has referred to: I do not recall anywhere in the figures, which I looked over pretty carefully, that any district in this country has 98 per cent of its registrants in class 1; but if that did occur, I have here a copy of the telegram which the Provost Marshal General has sent to the governor of each State, asking that in all those districts where the local boards seemed to have been too rigorous or too lenient the lists be investigated and looked into. That if the local boards have acted improperly, appeals be taken to the district boards and the matter rectified; if that be done, these inequalities which the gentleman speaks about will cease to exist.

Mr. Speaker, I shall put the telegram into the RECORD:

[War Department telegram—Mall copy.]

WASHINGTON, April 3, 1918.

(No. B 366.)

To all governors, except Nebraska, Alaska, Hawaii, and Porto Rico:

PARAGRAPH 1. An examination of the reports being received from various parts of the country indicate a wide variance in the number of men classified in class 1. In a few cases the classification is too high and injustice to individuals may have resulted, while in a much larger number of cases it is too low, thus putting an additional burden on other local boards.

PAR. 2. You are requested at once to examine the reports on file in your State headquarters and direct inquiry to the local boards who have unusually low percentages in class 1, requesting detailed reasons for such classification. You should give particular attention to local boards which have reported a strength of class 1 falling considerably below the State average. You will scrutinize under similar rules reports of boards showing unusually high percentages considerably higher than the State average.

PAR. 3. It may be presumed that a local board returning a class 1 substantially varying from the average has failed to administer the requirements of the law with sufficient care and has loosely allowed a smaller number of men to be classified therein than the spirit and letter of the law would justify. The belief that a low number in class 1 would reduce the quota to be drawn from that area may account for this excessive depletion of class 1 in such boards.

PAR. 4. It is true that such low figures may often be justly attributable to peculiar local circumstances, such as an extraordinary number of aliens, of physically unfit, of enlistments, of pivotal men in industry or agriculture or the like circumstances, which would increase the relative numbers of classes 2 to 5. If such shall prove to be the case, the presumption of error will be overthrown and the board's classification will be allowed to stand as final.

PAR. 5. But the burden of explanation will lie upon all such boards. And such explanation must be promptly made, with adequate details to support it. The explanation must be scrutinized by you.

PAR. 6. Immediate inspection should be made of all local boards who do not give a complete and satisfactory explanation for the abnormal number of those appearing in class 1. This inspection will be made best by local board members, or Government appeal agents, or others who have demonstrated their ability and skill in the application of the selective-service regulations. They should be men who have handled the same kind of problems which confronted the local board whose classification has apparently failed. They should be charged with the importance of the task assigned to them, and perform it without offense to the local board whose records are being examined. They should work expeditiously and make prompt report. Where possible they might through suggestion have errors corrected, and thus accomplish immediate results, without a large number of appeals to district boards.

PAR. 7. A sufficient number of inspectors should be appointed, consistent with the character of men required, to insure the earliest possible completion of this task. It is suggested that immediate assignments be made and that a complete investigation be under way not later than April 10. It is earnestly desired that a complete report be in your hands and a copy of such report filed with this office not later than April 25.

PAR. 8. You may issue to them the necessary travel orders and compensate them on the basis of \$7.50 a day. This inspection should be made at the earliest possible moment, as the information sought is of the greatest importance at this time.

CROWDER.

N. B.—After the addition of the following paragraph the above telegram was sent to Nebraska:

PAR. 9. For congressional criticism of selective-service law in Nebraska see CONGRESSIONAL RECORD, March 29, page 4306.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD some tables which show that certain parts of this country have

mainly young and unmarried men who would go into class 1. I have taken these from the census of 1910 which nobody can challenge.

Mr. GORDON. But New Jersey is not one of those States. Mr. PARKER of New Jersey. New Jersey is one of those States that has sent out a number way above its quota.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Under leave to extend my remarks, I add the following:

The unfairness of making the draft in proportion to population, or even to registration, is shown by the fact that some States are full of newcomers, who are young and mostly unmarried men of class 1, while in other States many of the young men have gone away. In the Abstract of the Census of 1910 there are no statistics of the males in each State between 21 and 30 years of age, but the militia table shows that the proportion of males from 18 to 44 years of age per thousand was, in—

North Carolina.....	178
Georgia.....	191
Virginia.....	193
Tennessee.....	194
Alabama.....	188
Mississippi.....	192
Maine.....	204
New Jersey.....	236

And the average for the whole United States was 223, while it was in—

Montana.....	328
Wyoming.....	374
Nevada.....	359
Washington.....	298
Arizona.....	289
Oregon.....	283
California.....	280

(Taken from page 119 of the Abstract of the Census, 1910.)

This proportion was very much greater in the younger ages. The per cent of the whole population between the ages of 20 and 29 of both sexes was as follows, as shown on page 136:

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Vermont.....	8.1	7.6	15.7
Maine.....	8.3	7.7	16.0
New Hampshire.....	8.6	7.8	16.4
Virginia.....	9.5	7.8	17.3
North Carolina.....	9.5	7.6	17.1
Average.....	8.8	7.7	16.5

While in—

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Oregon.....	10.5	10.4	20.9
Arizona.....	10.2	10.8	21.0
Washington.....	10.7	11.0	21.7
Montana.....	11.5	11.8	23.3
Wyoming.....	13.3	13.4	26.7
Average.....	11.2	11.5	22.7

Even this does not represent the real difference, because in the States first named there were just about as many men as women (see p. 100), while in Montana there were 152 men for every 100 women; Wyoming, 168.8 men for every 100 women; Arizona, 138.2 men for every 100 women; Washington, 136.3 men for every 100 women; Oregon, 133.2 men for every 100 women; so that a much larger proportion of the population of draft age were men in these latter States, and were largely or mostly unmarried.

For example, in North Carolina, there were 171 of every 1,000 of both sexes between the ages of 20 and 29, and in that State there were only 99.2 men to every 100 women, by which proportion less than 85 would be men (84.321). In my own State there were 192 of whom just half, or 96, were men. On the other hand, in Montana, there were 233 of every 1,000 men and women of ages between 20 and 29, and in that State there were 152 men to every 100 women, by which proportion over 140 of the 233 would be men (140.64).

The difference was still greater between Vermont and Wyoming. In Vermont there were only 157 between 20 and 29 of the 1,000 of both sexes, and there were 105.6 men to every 100 women, so that of this 157, less than 81 (80.63) would be men. While in Wyoming, 267 of every 1,000 were between the ages of 20 and 29, but there were 168.8 men to every 100 women, so that

of the 267, more than 167 (167.06) would be men, or more than double the number of men in Vermont.

In Wyoming, where there were two-thirds more men than women, most of the men seem to have been unmarried and in class 1.

We want to win this war, and in order to be fair we should first take the class that can go without deranging society. Younger men even than 21 are eager to come in. We should add younger ages to the draft; and if they prove fit they should be qualified to be officers.

I support the joint resolution as it is—I oppose the amendment which, like the present law, would disregard the principles of the selective draft and compel some communities to send forward men from the deferred classes, while others would keep back a large number of class 1, who should be the first called.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentleman of the House, the table of classification of registrants in the various States that has been referred to so very frequently happens to show that of class 1 registrants my State's percentage is 28, a fraction over the average of the whole country, and consequently its position can not be urged as affecting my view. In fact, I do not think it matters one iota in the determination of this question, and it is because of the emphasis of that phase of the matter that so many gentlemen here are being led into error. I shall not waste any time in impugning the motives of men. I shall not follow the example of my friend from Arkansas [Mr. CARAWAY], who at first spurned any imputation as to the motives of those on his side and then proceeded to challenge the motives of those opposing him. I think the differences of opinion that have arisen have arisen because of the emphasis men put on certain phases of the question. Many gentlemen seem to think that the most important thing here is to do exact and complete equity between localities.

I think the most important thing to-day is to give to the National Government that class of men that can perform the greatest service with the minimum cost and loss to the Nation. [Applause.] That is the distinction that existed between the two sides when the original fight was up here upon the draft law, and it is the distinction that runs through this whole matter here to-day. We are really fighting over in a new guise the old issue as to whether men shall think of locality and the equities and rights of individuals as the paramount consideration, or shall consider what the Nation needs as the paramount thing. What is the difference between the two proposals as I see it? Both sides have reached the point where they believe in a classification, a classification that designates what men shall be chosen first, and presumably designates those men because they are the men best fitted to perform the work for which the Nation calls them.

One group here, after making a classification, proposes to live to it, and the other group says, "We are in favor of the classification and we will live to it as long as it does not interfere with an arbitrary rule of distribution according to population." I submit to the House, which is the logical position and which is not?

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. GORDON. That arbitrary distinction the gentleman speaks about is in the law which he voted for and advocated on this floor?

Mr. SHERLEY. Yes; and it is because that arbitrary distinction did not work well that we are willing to amend the law. We are not so hidebound that we have to stick by a position, even though it be a wrong one, and I suggest that liberality of mind to the distinguished gentleman from Ohio. [Applause.]

We have had another curious parallel in this debate. We have had gentlemen express tremendous fears as to what the War Department could and would do; fears which, by the way, could not be realized without a violation of the law. I desire only to call attention to the fact that those fears so expressed here are equalled only by the fears expressed by the same gentlemen touching the frightful results that would flow from the draft act at the time it was up for discussion. [Applause.] After all, Mr. Speaker, there is only one basis upon which the opposition to the majority proposal can really rest its case, and that is that the various boards have either so ignorantly or so fraudulently performed their work as to create such inequalities in localities as to justify your disregarding the classification rule that we have set out.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FIELD. Mr. Speaker, I yield two minutes to the gentleman.

Mr. SHERLEY. Mr. Speaker, that is a necessary predicate for the position that is taken by those gentlemen to-day. I deny it as a fact. I deny it according to the figures that they themselves have here put in evidence and which show an average for the whole country that is much nearer to the percentages of each of the States than the average that would be obtained by using the arbitrary rule of population. Let me suggest to the gentleman one other matter. You can correct, and you are correcting by the revision of the action of the local boards, the inequalities and the wrongs that have been done by the local boards. You state that they are human and that they make mistakes and that therefore you should not follow them. It is true they make mistakes, but when they make a mistake there can be an effort to remedy it, but when there is inequality from an arbitrary rule that has been adopted, then there is no way of getting away from the inequality of that arbitrary, mathematical rule which you adopt and which does not fit the facts, and gentlemen should bear that in mind when they discuss the matter.

It is important, in my judgment, that every man in class 1, broadly speaking, should be taken before the other classes are invaded. If that is not true, why did you classify? If you are going to have the rule of apportionment applying to all men who are subject to military service, what is the use of having five groups? [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, it is an unfortunate fact that as a debate proceeds it too often happens that gentlemen undertake to project into that debate suggestions that have no sort of relation to the matter before the House. This is too often done in the hope that the cause advocated may be won in the result, by the creation of a distracting and befogging prejudice. The gentleman from Illinois [Mr. MADDEN] stated that the great bulk of the speeches that have been made to-day in favor of the Shallenberger amendment had been made by gentlemen who were opposed to the war resolution. I merely wish to say in response to that statement that I challenge it absolutely. So far as I am aware, only one speech of the many that have been made this afternoon in support of the Shallenberger amendment was made by a gentleman who voted against, or was opposed to, the declaration of war.

Mr. MADDEN. Mr. Speaker, the gentleman does not want to do me an injustice? He does not want to misquote what I said?

Mr. SAUNDERS of Virginia. No. I do not.

Mr. MADDEN. The gentleman does not state what I said at all.

Mr. SAUNDERS of Virginia. I so understood the gentleman.

Mr. MADDEN. What I did say was that the gentlemen who were making speeches here to-day advocating the Shallenberger amendment opposed the draft.

Mr. SAUNDERS of Virginia. I did not understand the gentleman to use the word "draft."

Mr. MADDEN. That is what I said.

Mr. SAUNDERS of Virginia. If the gentleman states that he used the word "draft," why of course I withdraw what I said. I did not so understand him, but if I was mistaken, I have nothing further to say in the way of comment on the gentleman's remarks. It is true that I was one of the Members who opposed the draft, and the difficulties which have confronted the War Department in the administration of the draft act, an act which they are now seeking to radically amend very clearly shows that our attitude of critical opposition to that act was well qualified.

There is no one word that I had to say in the debate on the draft act that I care to withdraw to-day. It has never been shown that at the time that act was passed, it was necessary to resort to conscription. But that incident is closed. Like every other Member of this body I accepted the verdict of the majority, and have uniformly from that time forward given my hearty and undeviating support to every proposition designed to win this war. [Applause.] But to return to the question before the House. The gentlemen opposing this amendment, have sought to a most astonishing extent to confuse the pending proposition with some other proposition heretofore acted upon and with which it has no relationship. The gentleman from Kentucky [Mr. SHERLEY], who ought to be informed about this legislation, has sought to create the impression by what he has had to say, that this in another form is the old fight, against the draft, presenting the same issue, and to be

decided upon the same considerations. The Shallenberger amendment will in no wise hinder, or obstruct the task of raising a National Army by the process of conscription.

In this connection allow me to quote the declaration made on yesterday, by my colleague, Judge HARRISON, a member of the Committee on Military Affairs, and thereby bring the House back to the consideration of the real question that is in issue:

The difference between this resolution and the Shallenberger amendment does not involve the size of the Army. Neither resolution, nor the amendment will add a single soldier to the number now authorized.

The Shallenberger amendment proposes to give a State, or a subdivision, credit for its enlistments, and in addition that a quota required of a State shall be in proportion to the men in the four classes liable for military service, and not in proportion to the men in class 1. It is the purpose of the War Department to make class 1 the reservoir from which the fighting men shall be drawn. The Shallenberger amendment in no wise contravenes, or interferes with that purpose. Bear that in mind. Keep it in view in the consideration of this amendment which is a proposition of simple and fundamental justice. Why should one State, or one community furnish more fighting men than another State, or community similarly situated, and equally well supplied with men liable to military service? Why do gentlemen seek to befog this argument, by suggesting that this amendment has a meaning which plainly it does not carry?

The gentleman from Vermont [Mr. GREENE] stated on yesterday that this is a national war, and that we ought to think in national terms. Certainly I agree to that. I believe that I can think in national terms as truly and as patriotically as my colleague.

But when you undertake to think in national terms why is it necessary to commit injustice? Think nationally, if you will, but in the same connection, think justly, and do justice. The two are not incompatible. Now the foundation of any law, and of any thought, national or local, should be justice. Justice to the individual, means justice to the collective mass. No law not founded in, and resting upon justice, will ever receive the comprehensive and enthusiastic support, of the truly patriotic citizens of this Republic. Why, said the Member from Kentucky, the gentlemen who support the Shallenberger amendment talk about the equities of the case. Aye, why not? Unless we regard those equities how will you maintain the morale of our people who are asked to sacrifice themselves and their nearest and dearest in the prosecution of this colossal, world-shaking war? Unless you have regard for those equities, how will you appeal to them to make the ultimate sacrifice for home, and country? Unless those equities are conserved do you believe that you will ever be able to implant in the hearts of the American soldiers the flame of imperishable, and undying patriotism, the sense of high endeavor, and immortal sacrifice, without which we will never win this war?

Mr. WINGO. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I regret I have not the time to yield. In this connection, I desire to present another thought. What is the underlying principle upon which the right of national conscription is supposed to rest?

It is that upon all alike, one man with another, there is imposed the obligation of national service. What does that mean? It means that the men in Maine and in California, in Washington and in Florida are equally liable to be expended and to be sacrificed in the service of the motherland. Is that universal liability consistent with the suggestion that it is more incumbent upon one section than upon another to defend the flag in Flanders? Surely not. Every community, in proportion to its supply should furnish fighting men for the armies of the Republic. If Maine has 10,000 fighting men, and California 20,000, then on every call California should furnish two men for every one furnished by Maine. Who will gainsay a proposition so plainly just? The pending resolution is an ingeniously devised method by which a State with an inferior population may be required to furnish more soldiers than another State, with double its population. This injustice the Shallenberger amendment is designed to correct. The gentleman from California [Mr. KAHN], in the course of his remarks threw up many coruscating rhetorical fireworks, star bombs, skyrockets, and Roman candles. He alluded to Picardy, and Normandy, and Brittany, to Ireland, and Scotland, and possibly other countries known to ancient, and modern history, but not intimately connected with the Shallenberger amendment. And when he returned to earth, after this dizzy aerial flight, the substance of what he seemed to be saying was that after all, it should not be considered an act of injustice to require one State to furnish more young men for the supreme sacrifice, than another State of equal population.

Mr. KAHN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Not at this time, I will be glad to yield later. I would like to put up this proposition to the gentleman from California, and ascertain whether he would be willing to live up to the magniloquent sentiments announced in the course of his rhetorical appeal to this body to reject the Shallenberger amendment.

Mr. KAHN. I will try to do so.

Mr. SAUNDERS of Virginia. If California had furnished 50,000 men to carry on this war, and Virginia had not furnished a man, it would be competent for the Nation to call upon California for another 50,000, and exempt Virginia from that call. I would like to inquire of the gentleman from California whether under those circumstances, he would approve that national action, and justify it before the people of his State and district, as a fair and just exercise of national authority? As a matter of fact, it appears from the figures put into the RECORD by the gentleman from Arkansas, that the gentleman from California is very differently situated. So far from his State being called upon to furnish more fighting men, than other States, it appears that under the plan which the gentleman advocates, his State will fare uncommonly well. California has about one and a half times as many people as Arkansas, but the latter State will furnish many more soldiers than California. Is that right? Can an amendment which will correct so gross, and palpable an injustice, be possibly wrong? Any proposition which makes such an inequality a possibility, reeks with injustice.

Mr. KAHN. Allow me to furnish the gentleman with the figures from those two States.

Mr. SAUNDERS of Virginia. I have the figures, and will furnish them later. The resolution which the gentleman from California supports, provides in substance according to the plans of the Provost Marshal General, that class 1 shall furnish the fighting material of the future drafts. The other classes may be drawn upon, in theory, but in practice, it is contemplated that class 1 will be drawn upon, until it is exhausted, to furnish the men for the line. This class has been created under the questionnaire system. By the action of the local boards in the exercise of a flexible and ill-defined power of discretion, this class has been so constituted that if the future soldiers are drawn in proportion to its contents, the grossest inequalities and injustices will be developed. Some counties with a large population have a small class 1. Other counties with a small population have a large class 1. This means that under this resolution, if the Shallenberger amendment is defeated, a county with a small population but a strict local board, will furnish a very much greater number of soldiers, than another county with a larger population but a more easy-going board. This will be absolutely and fundamentally unjust. The gentleman from Virginia, and the gentleman from Iowa, have furnished a number of illustrations showing the inequalities between counties, that have been created by the action of the respective local boards. The boards that have so administered the regulations of the Provost Marshal General, as to create in their respective counties a well-filled first class, have created a situation in which their people will be the inevitable sufferers. Other counties with a small class 1, and abundant material in the other classes, will profit at their expense. It is suggested that this inequality is only apparent, not real, since the Provost Marshal General can draw men from the other classes, in the favored counties. Yes, these may be drawn, but for expert work, not for fighting. I am concerned for the men in class 1. They are the men upon whom the real burden, the real tragedy of this war will fall.

Another ground of objection to the pending resolution is that it is grossly unfair to the farmers. Under the questionnaire system inaugurated by the Provost Marshal General, young men who are suitable for fighting men, but who in addition can qualify as skilled laborers are not included in class 1. But the farmers in the view of the department and taken as a whole, are not rated as skilled laborers. Gen. Crowder stated in his testimony that class 1 would be larger in the country, than in the urban communities, for the reason that skilled labor is not so abundant in the country. This means of course that the country people, that is to say, the farmers will be required to furnish more fighting men than the towns. Is this just, or fair? Is it true that skilled labor is lacking in the country? The fact is that in any real sense the farmers are as a class, entitled to be rated as skilled laborers, fully as much as the blacksmith, or the carpenter, or the shipwright, or the boiler maker, or the motor car craftsman. The young man who has spent 15, or perchance 20 years of his life, in the active and intelligent cultivation of the soil, is a skilled laborer. If put into the shops, or required to do artificer's work, he would be fully as efficient in his new field, as the handicraftsman upon the farm. It is ab-

surd to contend otherwise. It is said that the man in the trades is serving his country, and doing his bit. Yes, but do not compare his lot with that of the man in the line, at \$30 a month, confronting death at every turn in its most horrid forms.

What is the sacrifice involved in working in the munition plants, or shipyards, in perfect safety, and in the regular enjoyment of the normal wages? These enterprises are necessary, I agree, but so is agriculture. Daily we are told that food will win this war. How will that food be produced? If class 1 in the agricultural communities is to be filled with the so-called unskilled labor now tilling the farms, and this labor to be later drawn into active service, the question may well be asked who will till the farms? Why is the man who can handle the auger, or the broadax, or the plane, to be preferred over the man who can drive a team, turn a furrow, direct a reaper, or handle a tractor? I know many men of the latter type who are now in the camps, and their farms lying idle. Still food, we are told, will win the war. So will guns, and powder, and ships, and over and above all, men. But these men should be fairly, and justly procured. No artificial distinction should put the artisan in the skilled labor class, and recruit the experienced agriculturist to class 1 for service in the trenches. I protest against this injustice, just as I protest against the proposition to make one section, or community furnish proportionately more fighting men, than another community similarly situated. Such an inequality means that a greater burden will fall upon the community furnishing the excess of men. There will be more sorrow, and tears in that community, more sorrowing fathers, more weeping mothers, more pitiful figures in stricken homes, the pathetic wastage thrown up by the tides of war. I protest that this burden should be equally shared and that an amendment which in the largest measure will secure this equality, should receive the full support of this body. The task of raising an army is our task under the fundamental law.

In the discharge of this task, we should think in national terms, but remember that equality is equity. The bare power to do injustice, does not justify injustice. The right to call to service in unequal proportions, does not justify the exercise of that right. It should be our task to formulate a law which will afford an army adequate to our necessities, but one so fairly constituted, so appropriately selected that no one will be found to challenge the justice of our creation.

In conclusion I submit the figures as to California and Arkansas, taken from the CONGRESSIONAL RECORD: California has a population of 2,377,549. In class 1 are found 21 per cent of her registrants. Arkansas has 31 per cent in class 1, that is in her reservoir of fighting men, and a population of 1,575,449. It will not be difficult to figure out which of these two States occupies a preferred situation. Under the Crowder plan, Arkansas will furnish many more fighting men than California, though the population of that State far exceeds the figures for Arkansas. I need not enlarge upon the lesson conveyed by this comparison. Mr. Speaker, the decision of this issue is remitted to the Members of this body. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. FIELDS. Mr. Speaker, I yield to myself the time that remains.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized.

Mr. FIELDS. Mr. Speaker, the first thing I desire to call attention to, in view of the colloquy between the gentleman from Alabama [Mr. BURNETT] and the gentleman from California [Mr. KAHN] is that Alabama has furnished 1,998 volunteers, while California has furnished 5,430 volunteers. [Applause.]

Mr. BURNETT. How about Kentucky?

Mr. FIELDS. I have not looked up the figures, but she has always furnished her share.

Mr. CALDWELL. Kentucky has furnished 2,415.

Mr. FIELDS. Mr. Speaker, there has been a good deal of camouflage about this whole proposition. The minority members did not offer these amendments in committee and they did not suggest or even refer to them in their minority report. They opposed the bill in committee and attempted to defeat it because, forsooth, in a county here and there in their congressional districts there was apparently some inequality in the classification by the local boards. Notwithstanding the fact that the head of that branch of the War Department that has taken the responsibility of raising the soldiers to fight this war urges that the passage of this bill is absolutely essential, these gentlemen oppose it because of these minor inequalities that exist here and there in counties throughout their districts. I regret that these conditions exist, but they are not as extensive under the new classification as under the old, as I showed you yesterday and as has been shown by other members of the committee.

Now, in order to carry out their plans to defeat the bill they come in with a proposition to cut out of the bill all there is in it.

The first part is the Shallenberger amendment with regard to the quota basis, which, if adopted, will destroy the bill and defeat its purpose, and in order to try to pass that amendment they tack onto it two propositions. First, the proposition that all aliens who do not claim exemption shall be classified. Why, that is done anyhow. Every registered alien in the United States who did not claim exemption because of his alienage was classified and put into class 1, unless he claimed a deferred classification because of dependents.

Then what is the other proposition? It is camouflage, pure and simple. In order to win votes for the first proposition, the purpose of which is to destroy the bill, they tack onto it a proposition to give credit for enlistments that have already been made and for which credits have already been given. And in order to relieve them of that advantage I shall demand a division of the question at the proper time, and the first vote will be upon the quota proposition. I want gentlemen to bear that in mind. I do not want gentlemen to get confused. The second vote will be upon the question of allowing credits. So gentlemen will understand the vote when it comes.

Gentlemen this is not a time to cavil over differences that exist here and there in some parts of a county or of counties of the various districts of the United States. The War Department says that this legislation is necessary. Every Member of Congress owes it to the War Department to uphold its hands, because we have laid upon it the responsibility of conducting this war, the outcome of which will write the future history of the democracy of the world.

At a time like this, when the democracy of the world is hanging in the balance, men can not on the floor of this House afford to cavil over minor differences that may have grown out of some injudicious act or some unwarranted decision of some local board somewhere in the United States. We have laid this responsibility upon the War Department. We expect that branch of the Government to make good, and we should give it the law necessary to enable it to do so. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired. All time has expired. The question is on agreeing to the Shallenberger amendment.

Mr. FIELDS. Mr. Speaker, I demand a division of the amendment.

The SPEAKER. The gentleman from Kentucky demands a division of the amendment, and the Clerk will report the first proposition in it.

The Clerk read as follows:

Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

The SPEAKER. The question is on agreeing to that proposition, the first half of the Shallenberger amendment.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. FIELDS. Mr. Speaker, I demand a division.

Mr. KAHN. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—yeas 80, noes 132.

Mr. SHALLENBERGER. I demand the yeas and nays.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the first half of the Shallenberger amendment, the first proposition just read, will vote "yea" when their names are called; those opposed will vote "nay."

The question was taken; and there were—yeas 118, nays 243, answered "present" 3, not voting 67, as follows:

YEAS—118.

Alexander	Caraway	Estopinal	Humphreys
Almon	Carlin	Goodwin, Ark.	Jacoway
Aswell	Carter, Okla.	Gordon	Johnson, Ky.
Austin	Cary	Gray, Ala.	Jones, Tex.
Ayres	Church	Griffin	Keating
Bankhead	Clark, Fla.	Hardy	Kehoe
Barnhart	Claypool	Harrison, Va.	Kincheloe
Bell	Collier	Hayden	Kitchin
Black	Connally, Tex.	Helm	La Follette
Blackmon	Connolly, Kans.	Helvering	Larsen
Blanton	Crisp	Hilliard	Lee, Ga.
Booher	Dent	Holland	Leshner
Brand	Dewalt	Houston	Little
Brodbeck	Dies	Howard	Lobeck
Burnett	Dill	Huddleston	London
Cannon	Dominick	Hull, Iowa	McKeown

Mansfield
Martia
Mays
Mondell
Montague
Nicholls, S. C.
Oldfield
Oliver, Ala.
Overstreet
Park
Polk
Price
Ragsdale
Randall

Rayburn
Roberts
Robinson
Rouse
Russell
Sanders, La.
Saunders, Va.
Sells
Shackleford
Shallenberger
Sherwood
Shouse
Slomp
Sloan

Stafford
Steagall
Stephens, Miss.
Stevenson
Summers
Taylor, Ark.
Thomas
Thompson
Tillman
Van Dyke
Venable
Vinson
Walker
Watkins

Watson, Va.
Webb
Welling
Whaley
Wheeler
Williams
Wilson, La.
Wilson, Tex.
Wingo
Wise
Wright
Young, Tex.

NAYS—243.

Anderson
Anthony
Ashbrook
Bacharach
Baer
Barkley
Benkes
Beshlin
Bland
Bowers
Britten
Brown
Brownling
Buchanan
Burroughs
Butler
Byrns, Tenn.
Caldwell
Campbell, Kans.
Campbell, Pa.
Cantrill
Chandler, N. Y.
Chandler, Okla.
Clark, Pa.
Classon
Coady
Cooper, Ohio
Cooper, W. Va.
Cooper, Wis.
Copley
Cox
Crago
Cramton
Cresser
Currie, Mich.
Dale, N. Y.
Dale, Vt.
Dallinger
Darrow
Davidson
Davis
Dempsey
Denton
Dickinson
Dillon
Dixon
Doelling
Doolittle
Dorrmus
Doughton
Drane
Dunpre
Dyer
Eagan
Eagle
Edmonds
Elliott
Ellsworth
Elston
Emerson

Esch
Evans
Fairchild, B. J.
Fairchild, G. W.
Fairfield
Farr
Ferris
Fields
Fisher
Focht
Fordney
Foster
Francis
Frear
Freeman
French
Fuller, Ill.
Fuller, Mass.
Gard
Garland
Garner
Garrett, Tenn.
Garrett, Tex.
Gillett
Glass
Glynn
Goodall
Gould
Graham, Ill.
Gray, N. J.
Green, Iowa
Greene, Mass.
Greene, Vt.
Gregg
Griest
Hadley
Hamill
Hamilton, Mich.
Hamlin
Haskell
Hastings
Hawley
Hayes
Heaton
Hersey
Hull, Tenn.
Husted
Hutchinson
Igoe
Ireland
James
Johnson, Wash.
Kahn
Kearns
Kelley, Mich.
Kelly, Pa.
Kennedy, Iowa
Kennedy, R. I.
Key, Ohio
Kless, Pa.
Kinkaid
Knutson

Kraus
Kreider
Langley
Lazaro
Lea, Cal.
Leibach
Lenroot
Linthicum
Littlepage
Longergan
Lufkin
Lunn
McArthur
McCormick
McEadden
McKenzie
McKinley
McLaughlin, Mich.
McLaughlin, Pa.
Madden
Mages
Mapes
Mason
Meeker
Merritt
Miller, Minn.
Moore, Pa.
Moore, Ind.
Morgan
Morlin
Mott
Mudd
Nelson
Nichols, Mich.
Nolan
Oliver, N. Y.
Olney
Osborne
O'Shaunessy
Overmyer
Padgett
Palge
Parker, N. J.
Peters
Phelan
Platt
Porter
Pou
Pratt
Purnell
Ovin
Rahney
Raker
Ramseyer
Rankin
Reavis
Reed
Riordan
Robbins
Rodenberg

Rogers
Romjue
Rose
Rowe
Rubey
Rucker
Sabath
Sanders, Ind.
Sanford
Scott, Mich.
Scott, Pa.
Scully
Sherley
Siegel
Sims
Sinnott
Slayden
Small
Smith, Idaho
Smith, Mich.
Smith, C. B.
Snell
Snook
Stedman
Steel
Steenerson
Sterling, Ill.
Sterling, Pa.
Stinson
Strong
Sullivan
Sweet
Swift
Switzer
Tacon
Talbot
Temple
Tilson
Timberlake
Tinkham
Treadway
Vare
Vestal
Voigt
Waldow
Walsh
Walton
Ward
Wason
Watson, Pa.
Weaver
Wetly
White, Me.
White, Ohio
Wilson, Ill.
Winstow
Woods, Iowa
Woodward
Young, N. Dak.
Zihlman

ANSWERED "PRESENT"—3.

Good

Longworth

Lundeen

NOT VOTING—67.

Borland
Brumbaugh
Byrnes, S. C.
Candler, Miss.
Carew
Carter, Mass.
Cleary
Costello
Curry, Cal.
Decker
Delaney
Donovan
Dowell
Drukker
Dunn
Fess
Flood

Flynn
Foss
Gallagher
Gallivan
Gandy
Godwin, N. C.
Graham, Pa.
Hamilton, N. Y.
Harrison, Miss.
Haugen
Heffin
Heintz
Hensley
Hicks
Hollingsworth
Hood
Johnson, S. Dak.

Jones, Va.
Juul
Kettner
King
LaGuardia
Lever
McAndrews
McClintie
McCulloch
McLemore
Maher
Mann
Miller, Wash.
Moon
Neely
Norton
Parker, N. Y.

Powers
Ramsey
Rowland
Sanders, N. Y.
Schall
Scott, Iowa
Sears
Sisson
Smith, T. F.
Snyder
Stephens, Nebr.
Taylor, Colo.
Templeton
Townner
Volstead
Wood, Ind.

So the first part of the Shallenberger amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. CANDLER of Mississippi (for) with Mr. BRUMBAUGH (against).

Mr. SISSON (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Until further notice:

Mr. JONES of Virginia with Mr. ROWLAND.

Mr. KETTNER with Mr. SCOTT of Iowa.

Mr. McANDREWS with Mr. TEMPLETON.

Mr. McLEMORE with Mr. RAMSEY.
 Mr. MAHER with Mr. TOWNER.
 Mr. NEELY with Mr. VOLSTEAD.
 Mr. TAYLOR of Colorado with Mr. JOHNSON of South Dakota.
 Mr. MOON with Mr. SANDERS of New York.
 Mr. HENSLEY with Mr. HEINTZ.
 Mr. THOMAS F. SMITH with Mr. McCULLOCH.
 Mr. SCHALL with Mr. DRUKKER.
 Mr. GALLAGHER with Mr. CURRY of California.
 Mr. SEARS with Mr. DOWELL.
 Mr. DECKER with Mr. HOLLINGSWORTH.
 Mr. BORLAND with Mr. GOOD.
 Mr. STEPHENS of Nebraska with Mr. HAMILTON of New York.
 Mr. BYRNES of South Carolina with Mr. HICKS.
 Mr. GALLIVAN with Mr. DUNN.
 Mr. HARRISON of Mississippi with Mr. FOSS.
 Mr. GANDY with Mr. NORTON.
 Mr. McCLINTIC with Mr. WOOD of Indiana.
 Mr. CAREW with Mr. PARKER of New York.
 Mr. CLEARY with Mr. COSTELLO.
 Mr. DELANEY with Mr. FESS.
 Mr. DONOVAN with Mr. HAUGEN.
 Mr. FLOOD with Mr. GRAHAM of Pennsylvania.
 Mr. FLYNN with Mr. JUUL.
 Mr. GODWIN of North Carolina with Mr. KING.
 Mr. HEFLIN with Mr. MILLER of Washington.

Mr. GOOD. Mr. Speaker, I desire to know if the gentleman from Missouri [Mr. BORLAND] voted?

The SPEAKER. He did not.

Mr. GOOD. When my name was called I voted "nay." I am paired with the gentleman from Missouri, Mr. BORLAND, and I desire to withdraw that vote and to answer "present."

Mr. LONGWORTH. Mr. Speaker, I desire to know if the gentleman from Mississippi, Mr. Sisson, voted?

The SPEAKER. He did not.

Mr. LONGWORTH. I voted "nay." I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the last half of the amendment.

The Clerk read as follows:

And credit shall be given on its quota to every State, Territory, District, or subdivision thereof for the number of men who have entered the military service of the United States from any State, Territory, District, or subdivisions thereof since May 1, 1917, including members of the National Guard who were in the Federal service on that date.

Mr. PHELAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PHELAN. May I offer an amendment to that amendment without debate?

The SPEAKER. Yes.

Mr. WINGO. Is it not too late?

The SPEAKER. There were two propositions, and the vote was on the first. The Clerk will report the amendment of the gentleman from Massachusetts.

Mr. RAGSDALE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. In agreeing to a vote at a particular period of time my understanding was that we would then vote on the amendment and all amendments thereto.

The SPEAKER. The debate was on the amendment and all amendments thereto.

Mr. FIELDS. I will say to the gentleman that my request for unanimous consent applied only to the debate on the Shallenberger amendment and amendments thereto.

The Clerk read as follows:

Amendment by Mr. PHELAN: Amend, by inserting after the word "military," the words "or naval," so that the line will read as amended "or subdivision thereof for the number of men who have entered the military or naval service of the United States."

The SPEAKER. The question is on the Phelan amendment to the Shallenberger amendment.

The question was taken; and on a division (demanded by Mr. KAHN) there were 226 ayes and 31 noes.

So the amendment to the amendment was agreed to.

Mr. BARKLEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. The original amendment of the gentleman from Nebraska provided that certain words should be stricken out of the bill and his whole amendment inserted in lieu thereof. The first half having been voted down, do we vote on the proposition nevertheless to insert the last half, or does the last half come in after the bill?

Mr. SHALLENBERGER. The motion to strike out the lines in the first part of my amendment was voted down, and this will go to the end of the bill.

The SPEAKER. The question is on agreeing to the last half of the Shallenberger amendment as amended.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 292, nays 66, answered "present" 3, not voting 70, as follows:

YEAS—292.

Alexander	Fairchild, B. L.	Larsen	Scully
Almon	Farr	Lazaro	Sells
Ashbrook	Ferris	Lee, Ga.	Shackelford
Aswell	Fisher	Lenroot	Shallenberger
Austin	Focht	Leshor	Sherwood
Ayres	Fordney	Linthicum	Shouse
Bankhead	Poster	Little	Siegel
Barkley	Francis	Littlepage	Sims
Barnhart	Frear	Lobeck	Sinnott
Bell	French	London	Slayden
Beshlin	Fuller, Ill.	Loneragan	Slomp
Black	Gard	Lufkin	Sloan
Blackmon	Gariand	McArthur	Small
Blanton	Garner	McCormack	Smith, Idaho
Booher	Garrett, Tex.	McFadden	Smith, C. B.
Bowers	Goodall	McKeown	Snell
Brand	Goodwin, Ark.	McKinley	Snook
Brodbeck	Gordon	McLaughlin, Pa.	Stafford
Browne	Gould	Magee	Stegall
Brumbaugh	Graham, Ill.	Mansfield	Stedman
Buchanan	Gray, Ala.	Martin	Steele
Burnett	Green, Iowa	Mason	Steenerson
Burroughs	Greene, Mass.	Mays	Stephens, Miss.
Butler	Gregg	Mondell	Sterling, Ill.
Byrns, Tenn.	Griest	Montague	Stevenson
Campbell, Pa.	Griffin	Morgan	Stiness
Cannon	Hadley	Mudd	Strong
Cantrill	Hamill	Nelson	Sullivan
Caraway	Hamilton, Mich.	Nicholls, S. C.	Summers
Carlin	Hamlin	Nichols, Mich.	Sweet
Carter, Okla.	Hardy	Oldfield	Swift
Cary	Harrison, Va.	Oliver, Ala.	Switzer
Chandler, N. Y.	Haskell	Oliver, N. Y.	Tague
Chandler, Okla.	Hastings	O'Shaunessy	Talbot
Church	Haugen	Overmyer	Taylor, Ark.
Clark, Fla.	Hayden	Overstreet	Thomas
Clark, Pa.	Heaton	Padgett	Thompson
Classon	Helm	Paige	Tilman
Claypool	Helvering	Park	Timberlake
Collier	Hersey	Phelan	Treadway
Connally, Tex.	Hilliard	Polk	Vare
Connolly, Kans.	Holland	Porter	Venable
Cooper, Ohio	Houston	Pou	Vestal
Cooper, W. Va.	Howard	Pratt	Vinson
Cooper, Wis.	Huddleston	Price	Voigt
Cox	Hull, Iowa	Purnell	Walker
Crisp	Hull, Tenn.	Quin	Walsh
Dale, N. Y.	Humphreys	Ragsdale	Walton
Dallinger	Husted	Ralney	Ward
Darrow	Hutchinson	Raker	Wason
Davidson	Igoe	Ramseyer	Watkins
Davis	Ireland	Randall	Watson, Pa.
Dempsey	Jacoway	Rayburn	Watson, Va.
Dent	James	Reavis	Weaver
Denton	Johnson, Ky.	Reed	Webb
Dewalt	Johnson, Wash.	Riordan	Wellington
Dickinson	Jones, Tex.	Roberts	Welty
Dill	Kearns	Robinson	Whaley
Dillon	Keating	Rodenberg	Wheeler
Dixon	Kehoe	Rogers	White, Me.
Dominick	Kelly, Pa.	Romjue	White, Ohio
Dooling	Kennedy, Iowa	Rose	Williams
Doolittle	Kennedy, R. I.	Rouse	Wilson, Ill.
Doremus	Key, Ohio	Rubey	Wilson, La.
Doughton	Kless, Pa.	Rucker	Wilson, Tex.
Drane	Kincheloe	Russell	Wingo
Dupré	Kinkaid	Sabath	Winslow
Dyer	Kitchin	Sanders, Ind.	Wise
Eagan	Knutson	Sanders, La.	Woods, Iowa
Eagle	Kraus	Saunders, Va.	Woodyard
Edmonds	Kreider	Schall	Wright
Esch	La Follette	Scott, Mich.	Young, Tex.
Estopinal	Langley	Scott, Pa.	Zihman

NAYS—66.

Anderson	Dale, Vt.	Kahn	Olney
Anthony	Denison	Kelley, Mich.	Osborne
Bacharach	Elliott	Lea, Cal.	Parker, N. J.
Baer	Ellsworth	Leibach	Peters
Beakes	Elston	Lunn	Platt
Bland	Emerson	McKenzie	Robbins
Britten	Fairchild, G. W.	McLaughlin, Mich.	Rowe
Browning	Fairfield	Madden	Sanford
Caldwell	Fields	Mapes	Sherley
Campbell, Kans.	Freeman	Meeker	Smith, Mich.
Cleary	Fuller, Mass.	Merritt	Temple
Copley	Garrett, Tenn.	Miller, Minn.	Tilson
Coady	Gillett	Moore, Pa.	Tinkham
Crago	Glynn	Moore, Ind.	Waldow
Cramton	Greene, Vt.	Morin	Young, N. Dak.
Crosser	Hawley	Mott	
Currie, Mich.	Hayes	Nolan	

ANSWERED "PRESENT"—3.

Good Longworth Lundeen

NOT VOTING—70.

Borland	Curry, Cal.	Drukker	Foss
Byrnes, S. C.	Decker	Dunn	Gallagher
Candler, Miss.	Delaney	Evans	Gallivan
Carew	Dies	Fess	Gandy
Carter, Mass.	Donovan	Flood	Glass
Costello	Dowell	Flynn	Godwin, N. C.

Graham, Pa.	Junt	Moon	Smith, T. F.
Gray, N. J.	Kettner	Neely	Snyder
Hamilton, N. Y.	King	Norton	Stephens, Nebr.
Harrison, Miss.	LaGuardia	Parker, N. Y.	Sterling, Pa.
Hedlin	Lever	Powers	Taylor, Colo.
Heintz	McAndrews	Ramsey	Templeton
Hensley	McClintock	Rankin	ner
Hicks	McCulloch	Rowland	Van Dyke
Hollingsworth	McLemore	Sanders, N. Y.	Volstead
Hood	Maher	Scott, Iowa	Wood, Ind.
Johnson, S. Dak.	Mann	Sears	
Jones, Va.	Miller, Wash.	Sisson	

So the second part of the Shallenberger amendment was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. SISSON (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. SANDERS of New York (against).

Until further notice:

Mr. DONOVAN with Mr. DRUKKER.

Mr. MOON with Mr. GRAY of New Jersey.

Mr. DIES with Mr. VOLSTEAD.

Mr. EVANS with Miss RANKIN.

Mr. STERLING of Pennsylvania with Mr. POWERS.

Mr. VAN DYKE with Mr. LaGUARDIA.

Mr. HARRISON of Virginia. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HARRISON of Virginia: Amendment at the end of the bill: Strike out the period, insert a colon, and add the following:

"Provided, That all those registrants who are bona fide engaged in agricultural enterprises, conducted for commercial purposes, and producing supplies in excess of the necessities of those engaged therein, shall be entitled to deferred classification as long as and no longer than they are so engaged, whether they are engaged therein as proprietors, managers, tenants, or farm laborers. For the proper enforcement of this provision such rules and regulations shall be prescribed not inconsistent therewith similar in character to those prescribed for registrants on emergency fleet classification list in sections 153, 154, and 155 of the selective-service regulations."

Mr. CALDWELL. Mr. Speaker, I make a point of order that the amendment is not germane.

The SPEAKER. The point of order is overruled.

Mr. HARRISON of Virginia rose.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

Mr. HARRISON of Virginia. Mr. Speaker, I desire to be heard on the amendment.

Mr. FIELDS. Mr. Speaker, I make the point of order that the demand comes too late.

The SPEAKER. Oh, no; if the gentleman from Virginia desires recognition, he is entitled to it.

Mr. HARRISON of Virginia. Mr. Speaker, how much time does that give me?

The SPEAKER. The gentleman has one hour.

Mr. FIELDS. Mr. Speaker, in view of the lateness of the hour, I move that the House do now adjourn.

Mr. SAUNDERS of Virginia. Mr. Speaker, the gentleman can not take the gentleman from Virginia off the floor.

The SPEAKER. If the gentleman from Virginia desires to proceed, he has the right to do so.

Mr. HARRISON of Virginia. I would be very glad to yield if I could have my time in the morning.

The SPEAKER. The gentleman would be entitled to the time in the morning if the bill comes up.

Mr. FIELDS. How much time does the gentleman want?

Mr. HARRISON of Virginia. There are a number of gentlemen who desire to be heard upon this amendment, and I desire to give them the opportunity to do so. For myself I want only five minutes, but I am willing to take my hour in the morning if I can get it.

The SPEAKER. If the bill comes up to-morrow, the gentleman is entitled to his hour.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, April 13, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations, customhouse and post office

at Providence, R. I., and post office, courthouse, and customhouse at Richmond, Va. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of legislation for inclusion in the sundry civil appropriation bill granting authority for the construction of an additional building for laboratory purposes and research work and for enlarging and remodeling the present animal house for the Hygienic Laboratory, Public Health Service, Washington, D. C. (H. Doc. No. 1037); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, reported the same with amendment, accompanied by a report (No. 485), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11143) granting an increase of pension to John A. Ott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1224) granting an increase of pension to George Edward Blackmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULD: A bill (H. R. 11407) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 11408) to amend section 4516 of the Revised Statutes of the United States as amended by sections 1 and 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 11409) authorizing the President to appoint as quartermaster assistants in the Quartermaster Corps of the United States Army certain clerks employed in the Quartermaster Corps of the Army and heretofore known as clerks, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. ELLSWORTH: A bill (H. R. 11410) for the classification of members and preparation of correct tribal rolls, the completion of allotments, and the disposal of all remaining property of the Chippewa Indians of Minnesota in conformity with the agreement of 1889, and for other purposes; to the Committee on Indian Affairs.

By Mr. LUNN: A bill (H. R. 11411) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"; to the Committee on the Judiciary.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 309) requesting the Secretary of the Interior to furnish to the House of Representatives information as to why the Osage Indians in Osage County, Okla., were not paid the moneys due them in March, 1918; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11412) granting an increase of pension to Felix Beske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11413) granting an increase of pension to Edgar P. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11414) granting a pension to Mary E. Livingston; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11415) granting a pension to David J. Holbrook; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 11416) granting an increase of pension to Wellington Harder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11417) granting an increase of pension to Eli Brainard; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 11418) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 11419) for the relief of George A. Smith; to the Committee on War Claims.

By Mr. KEARNS: A bill (H. R. 11420) granting an increase of pension to Levi W. Short; to the Committee on Invalid Pensions.

By Mr. McLEMORE: A bill (H. R. 11421) granting a pension to Otilia P. Smythe; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 11422) granting an increase of pension to William B. Dunlop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11423) granting a pension to Nancy J. Clark; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 11424) granting a pension to Belle S. Robinson; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 11425) granting an increase of pension to William Goodwin; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11426) granting an increase of pension to Levi Lindenmuth; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11427) granting an increase of pension to John Stout; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 11428) granting an increase of pension to Mary E. Wainwright; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petitions of sundry citizens of Chicago, Ill., relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Fond du Lac (Wis.) Woman's Club, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of faculty of Lake Erie College, of Painesville, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of New York State Ice Manufacturers' Association, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. CLASSON: Petition of J. B. Steele, publicity chairman, liberty-loan committee, relative to subscription for liberty loan in Outagamie County, Wis.; to the Committee on Banking and Currency.

By Mr. GUEST: Memorial of Lancaster (Pa.) Clearing House Association, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. GRIFFIN: Memorial of The Bronx Board of Trade, New York City, favoring pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Memorial of Northwestern Typographical Conference, opposing the admission of oriental labor into the United States; to the Committee on Immigration and Naturalization.

By Mr. LUNDEEN: Petition of the representatives of the building industry of the States of Minnesota, Iowa, Nebraska, Missouri, Kansas, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, requesting that a representative from the States mentioned above be appointed to serve upon the war emergency construction board; to the Committee on Military Affairs.

Also, petition of Machinist Helpers' Lodge, No. 959, Minneapolis, Minn., asking that Federal control of railroads be given a fair trial before return of roads into private hands; also, asking that no definite time be set for return of public roads back to private capital; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: Petitions of Linn County Pomona Grange, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petition of Linn County Pomona Grange, favoring law conscripting wealth; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of Goodyear Rubber Co., Weir Fancy Goods Co., Frank B. Peterson Co., Cardinell-Vincent Co., and Newbauer Bros., all of San Francisco, Cal., urging support of Senate bill 3962, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. RANDALL: Memorial of Owensmouth (Cal.) Chamber of Commerce, indorsing employment in agricultural pursuits of prisoners of war; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of Ella D. Nicholson, secretary Woman's Club, Thief River Falls, Minn., against use of national parks for grazing purposes; to the Committee on the Public Lands.

By Mr. TEMPLE: Petition of Young Women's Missionary Society of First United Presbyterian Church, McDonald, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Military Order of Foreign Wars of the United States, in favor of permitting the soldiers and sailors of the United States to receive decorations given by our allies; to the Committee on Military Affairs.

SENATE.

SATURDAY, April 13, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the comradeship of service brings us very close together in this tragic life of ours. To-day as we meet with the notice of the passing of one of the honored Members of the Senate our hearts are saddened. We thank Thee for his life and for his public service. We bless Thee that he has lived among us, bearing in all the years the white flower of a stainless life. Thou hast called him to the reward of the great beyond. Let Thy blessing rest upon us as we cherish his memory and help us to emulate all his virtues.

And now, O God, as we have come this day to the greatest crisis in our Nation's history, and in the history of the world, we pray Thee to make bare Thine arm to save. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RANDELL and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR BROUSSARD.

Mr. RANDELL. Mr. President, it is with profound sorrow that I announce to the Senate the death of my late colleague, Senator BROUSSARD, who died at his home in New Iberia, La., at 8.30 last night, after a long and very painful illness.

I shall not attempt to say anything about the late Senator at this moment, but at a later time I shall ask the Senate to set aside some hour at which fitting testimonials may be paid to the memory and public services of my deceased colleague.

Mr. President, I send to the desk the following resolutions and ask for their adoption.

The resolutions (S. Res. 224) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BROUSSARD, to be held in the city of New Iberia, La.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE PRESIDENT appointed under the second resolution, as the committee on the part of the Senate, Mr. RANDELL, Mr. VARDAMAN, Mr. KIRBY, Mr. KING, Mr. THOMPSON, Mr. SUTHERLAND, Mr. MYERS, and Mr. SHAFROTH.

Mr. RANDELL. Mr. President, as a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 15, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 13, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, a living, vitalizing presence, ever working in and through the minds and hearts of the susceptible, for the larger life and grander achievements, that human happiness may be advanced.

But alas, for the perversity of human nature and the willfulness of men, we stand before Thee abashed and humiliated at the awful spectacle presented by the world in the terrible tragedy through which we are passing; brought about by the machinations, cunning, and evil designs of comparatively few, who would change the course of human events and subject mankind to the barbarous methods of militarism and autocracy.